



# ZACH KLEIN

## COLUMBUS CITY ATTORNEY

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## City Attorney Zach Klein's Property Action Team Files Lawsuit Against Hilliard Retailer for Repeat Underage Tobacco Sales

*Klein says case demonstrates importance of local compliance checks as state seeks to ban health departments from regulating underage sales*

**COLUMBUS, OH**—Columbus City Attorney Zach Klein today announced that the Property Action Team filed a lawsuit against the owners of Smoke House, located at 5439 Roberts Road in Hilliard, following years of illegal tobacco sales to underage consumers as well as violations of the City's flavored tobacco ban earlier this year.

City Attorney Klein says that without Columbus Department of Public Health (CPH) compliance checks, these serious violations may not have been uncovered. The City of Columbus is currently locked in a legal battle with the state of Ohio over the state's new ban on local tobacco ordinances, including checks by CPH agents used to uncover underage sales or other violations of tobacco laws. The Franklin County Court of Common Pleas sided with the City and struck down the state law in May, but the state appealed. A hearing on that appeal is scheduled in the coming months.

**“This case exemplifies why it’s important for local health departments to monitor compliance with tobacco regulations. CPH has the capacity to ensure the law is followed. This isn’t something we should ask law enforcement to spend limited resources on. The legislature overstepped on this issue, and we will continue to fight to protect the health and safety of our youth and the public,”** said Columbus City Attorney Zach Klein. **“Thanks to CPH, we built this case, and every option remains on the table as we look to hold owners accountable.”**

The City's complaint alleges that for years, owners have shown a “flagrant disregard for tobacco regulations,” with CPH conducting at least eight underage tobacco product purchases at the store in recent years. The complaint also indicates that the store has twice changed operators after becoming the target of tobacco enforcement—each within weeks of undercover compliance checks where CPH officials noted underage sales at the premises.

Additionally, CPH has received community tips that the store has a reputation for selling illicit cannabis products, and the department levied a \$1,000 fine against operators in 2023 for continued underage sales at the premises.

After the City's flavored tobacco ban went into effect in January 2024, operators continued flavored tobacco retail sales, selling a flavored vape product to a CPH agent just weeks after the ban went into effect. During the same compliance check, an employee asked if the CPH agent wanted to "smell cannabis." As a result of this violation, CPH fined owners \$5,000.

In August, employees sold a flavored vape product to a CPH agent and also failed to ask the agent for identification. CPH levied a \$10,000 fine against owners that same day for repeat tobacco sales violations.

In October, CPD sent owners notice that it intended to propose the revocation of ownership's tobacco sales license. Just a week later, CPH received application for a tobacco license from another group looking to take over the space and continue selling tobacco products under a similar name, "Smoke House Plus."

**"Tobacco retailers cannot repeatedly break the law and then turn around, swap in a new operator, and dodge penalties. That's not how this works. We will continue to work with Public Health to monitor this premises and will take appropriate action against these owners who until this point have shown no regard for the law,"** said Property Action Team Attorney Sophie Yano.

A preliminary injunction hearing is set for November 18.