

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1865

By: Vaughn (Ray)

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1241, which relates to furnishing tobacco products to minors; clarifying term; increasing certain fines; requiring the cancellation of certain retailers' licenses to sell tobacco products under certain conditions; making the retailer responsible for certain acts of employees, servants, agents and representatives under certain conditions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1241, is amended to read as follows:

Section 1241. A. Any person who shall furnish to any ~~minor~~ person less than eighteen (18) years of age by gift, sale or otherwise any cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than ~~Twenty-five Dollars (\$25.00)~~ One Hundred Dollars (\$100.00) nor more than ~~Two Hundred Dollars (\$200.00)~~ Five Hundred Dollars (\$500.00) and be confined in the county jail not less than ten (10) days nor more than ninety (90) days for each offense.

B. Any retailer of tobacco products in this state licensed pursuant to Title 68 of the Oklahoma Statutes who is convicted of violating the provisions of this section shall be punished pursuant to subsection A of this section and shall have such retailer's license to sell tobacco products issued for that place of business by the Oklahoma Tax Commission canceled for a period of not more than one (1) year. Any retailer convicted of a second

or subsequent violation pursuant to this section shall have such retailer's license to sell tobacco products issued for that place of business by the Oklahoma Tax Commission permanently canceled.

C. Each retailer of tobacco products in this state licensed pursuant to Title 68 of the Oklahoma Statutes shall be held responsible for any violation of this section committed at that place of business by a servant, agent, employee or representative of such retailer, if the retailer had prior knowledge of the transaction or otherwise knew or had reason to know that similar transactions have occurred.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 316.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

Any retailer of tobacco products in this state licensed pursuant to this title who is convicted of violating the provisions of Section 1241 of Title 21 of the Oklahoma Statutes shall have such retailer's license issued for that place of business by the Oklahoma Tax Commission canceled for a period of not more than one (1) year. Any retailer convicted of a second or subsequent violation of Section 1241 of Title 21 of the Oklahoma Statutes shall have such retailer's license issued for that place of business by the Oklahoma Tax Commission permanently canceled.

SECTION 3. This act shall become effective September 1, 1994.

44-2-9100

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