

ENGROSSED HOUSE
BILL NO. 1865

By: Vaughn (Ray) of the
House

and

Hendrick of the Senate

(crimes and punishments - amending 21 O.S., Section 1241 -
furnishing tobacco products to minors - codification -
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:

1. On conviction of a first offense, be punished pursuant to
subsection A of this section;

2. On conviction of a second or subsequent offense, be punished by a fine not to exceed One Thousand Dollars (\$1,000.00); and

3. On conviction of a third or subsequent offense, be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and if it is found that said violation was willful or otherwise a part of the ordinary course of conduct of such retailer, may 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.

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.

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:

In addition to the fine specified in Section 1241 of Title 10 of the Oklahoma Statutes, any retailer of tobacco products in this state licensed pursuant to this title who is convicted on a third or subsequent offense of violating the provisions of Section 1241 of Title 21 of the Oklahoma Statutes, if it is found that said violation was willful or otherwise a part of the ordinary course of conduct of such retailer, may 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.

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

Passed the House of Representatives the 16th day of March, 1994.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1994.

President of the Senate