

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2315

By: Eddins

AS INTRODUCED

An Act relating to the Prevention of Youth Access to Tobacco Act; amending Section 5, Chapter 137, O.S.L. 1994, as last amended by Section 2, Chapter 171, O.S.L. 1997 (37 O.S. Supp. 1997, Section 600.4), which relates to purchase, receipt or possession of tobacco products by minors; modifying circumstances constituting unlawful behavior by minors; and providing an effective date.

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

SECTION 1. AMENDATORY Section 5, Chapter 137, O.S.L. 1994, as last amended by Section 2, Chapter 171, O.S.L. 1997 (37 O.S. Supp. 1997, Section 600.4), is amended to read as follows:

Section 600.4 A. It is unlawful for a person who is under eighteen (18) years of age to purchase, receive, or have in their possession a tobacco product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product or to attempt in any manner to purchase or receive any tobacco product. It shall not be unlawful for an employee under eighteen (18) years of age to

handle tobacco products when required in the performance of the employee's duties.

B. When a person violates subsection A of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose an administrative fine of:

1. Not to exceed One Hundred Dollars (\$100.00) for a first offense; and

2. Not to exceed Two Hundred Dollars (\$200.00) for a second or subsequent offense within a one-year period following the first offense.

Upon failure of the individual to pay the administrative fine within ninety (90) days of the day of the fine, the ABLE Commission shall notify the Department of Public Safety and the Department shall suspend or not issue a driver license to the individual until proof of payment has been furnished to the Department of Public Safety.

C. The ABLE Commission shall establish rules to provide for notification to a parent or guardian of any minor cited for a violation of this section.

D. Cities and towns may enact and municipal police officers may enforce ordinances prohibiting and penalizing conduct under provisions of this section, but the provisions of such ordinances shall be the same as provided for in this section, and the enforcement provisions under such ordinances shall not be more stringent than those of this section.

SECTION 2. This act shall become effective November 1, 1998.

46-2-8582

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