

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1352

By: Vaughn

AS INTRODUCED

An Act relating to smoking; amending 63 O.S. 1991, Section 1-1527, which relates to the Smoking in Public Places Act; amending Section 11, Chapter 137, O.S.L. 1994 (37 O.S. Supp. 2000, Section 600.10), which relates to the Prevention of Youth Access to Tobacco Act; authorizing local control concerning smoking and tobacco products; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-1527, is amended to read as follows:

Section 1-1527. ~~The State Legislature by adopting this act intends to preempt any other regulation promulgated to control smoking in public places and to standardize laws that governmental subdivisions may adopt to control smoking. Cities and towns may enact and enforce laws prohibiting and penalizing conduct under~~ Nothing in the Smoking in Public Places Act shall be construed to supersede or in any manner affect a municipal smoking ordinance provided that the provisions of this act, but the provisions of such laws ordinance shall be the same as or more stringent than those provided for in this act the Smoking in Public Places Act, and including the enforcement provisions under such laws shall not be more stringent than those of this act.

SECTION 2. AMENDATORY Section 11, Chapter 137, O.S.L. 1994 (37 O.S. Supp. 2000, Section 600.10), is amended to read as follows:

Section 600.10 ~~No agency or other political subdivision of the state, including, but not limited to, municipalities, counties or~~

~~any agency thereof, may adopt any order, ordinance, rule or regulation concerning the sale, purchase, distribution, advertising, sampling, promotion, display, possession, licensing, or taxation of tobacco products, except as~~ Nothing in the Prevention of Youth Access to Tobacco Act shall be construed to supersede or in any manner affect a municipal tobacco ordinance provided that the provisions of such ordinance shall be the same as or more stringent than those provided for in the Prevention of Youth Access to Tobacco Act and are not in conflict with the provisions provided for in Section 1511 of Title 68 of the Oklahoma Statutes, Section 1-1521 et seq. of Title 63 of the Oklahoma Statutes and Section 1247 of Title 21 of the Oklahoma Statutes. ~~Provided, however,~~ Furthermore, nothing in ~~this section~~ the Prevention of Youth Access to Tobacco Act shall preclude or preempt any agency or political subdivision from exercising its lawful authority to regulate zoning or land use or to enforce a fire code regulation regulating smoking or tobacco products to the extent that such regulation is substantially similar to nationally recognized standard fire codes.

SECTION 3. This act shall become effective November 1, 2001.

48-1-5570            MCD            6/12/15