

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE JOINT
RESOLUTION HJR1023

By: Vaughn

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 13 to Article XXIII; prohibiting the sale of tobacco products in vending machines; providing exception; making it illegal to sell tobacco products to minors; stating penalty; defining term; providing ballot title; directing filing; and ordering a special election.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 49TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to the Constitution of the State of Oklahoma by adding a new Section 13 to Article XXIII thereof, to read as follows:

Section 13. A. The sale of tobacco products in vending machines is prohibited in the State of Oklahoma, except in buildings where minors are not allowed. In addition, a retailer or other person shall not offer cigarettes or other tobacco products for sale in a manner that permits a customer direct access to cigarettes or tobacco products.

B. It shall be illegal to sell tobacco products to a minor.

C. Any person licensed to sell tobacco products who is found guilty of violating the provisions of this section shall have the person's state retail tobacco license suspended for thirty (30) days on the third offense within twenty-four (24) months and sixty (60)

days on the fourth or subsequent offense within twenty-four (24) months.

As used in this section, "minor" means any person under eighteen (18) years of age.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution. It adds a new Section 13 to Article 23. It prohibits the sale of tobacco products in some vending machines. It does not apply if the machines are in buildings where children are not allowed. It also prohibits retailers from offering the products in a way that gives customers direct access to the products. This measure makes it illegal to sell tobacco products to minors. A minor is a person under 18 years of age. It states the penalty for violations to this section. The penalty is a thirty-day suspension of the retail tobacco license for the third offense. The penalty is a sixty-day suspension of the license for any further violations.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

YES, FOR THE AMENDMENT

NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next special

election scheduled to be held throughout the state or the next general election, whichever is earliest, at which time the proposed amendment to the Constitution of the State of Oklahoma, as set forth in SECTION 1 of this resolution, shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law.

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