

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2710

By: Jackson and Pittman of the  
House

and

Anderson of the Senate

8 An Act relating to revenue and taxation; requiring  
9 retail establishments offering certain cigarette  
10 products to comply with certain provisions; providing  
for codification; providing an effective date; and  
declaring an emergency.

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

15 "An Act relating to revenue and taxation; stating  
16 legislative findings; defining terms; prohibiting  
certain actions; clarifying applicability of section;  
17 specifying penalties; making penalties and remedies  
cumulative; providing for codification; providing an  
18 effective date; and declaring an emergency.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 380 of Title 68, unless there is  
22 created a duplication in numbering, reads as follows:

23 A. It is hereby declared that the Oklahoma Legislature finds  
24 that the commercial use of cigarette rolling vending machines in

1 this state has the potential to circumvent various requirements  
2 under Oklahoma law related to the manufacturing, marketing, sale and  
3 taxation of cigarettes. Such use is detrimental to the fiscal  
4 soundness of the state and to the public health.

5 B. As used in this section:

6 1. "Cigarette rolling vending machine" means a machine or  
7 device into which loose tobacco and cigarette tubes are placed that  
8 is capable of producing cigarettes; and

9 2. "Cigarette rolling vending machine operator" means any  
10 person who owns, leases, rents or otherwise has available for use a  
11 cigarette rolling vending machine and makes such machine available  
12 for use by another person in a commercial setting in order to  
13 produce a cigarette.

14 C. Notwithstanding any other provision of law, the following  
15 shall be prohibited:

16 1. The use or possession of a cigarette rolling vending machine  
17 for commercial purposes, except as provided in paragraph 1 of  
18 subsection D of this section. A cigarette rolling vending machine  
19 located in a retail business for use, not sale, shall be considered  
20 to be used for commercial purposes;

21 2. The sale, resale, distribution, dispensing, or giving away  
22 to any other person in this state cigarettes produced by a cigarette  
23 rolling vending machine; or

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1           3. Making a cigarette rolling vending machine available for use  
2 by customers of a retail business to produce cigarettes.

3           D. The provisions of this section shall not apply to:

4           1. Cigarette manufacturers who have obtained a current federal  
5 Manufacturer of Tobacco Products permit issued by the Alcohol  
6 Tobacco and Trade Bureau ("TTB") to operate as a cigarette  
7 manufacturer; or

8           2. A cigarette rolling vending machine in a location other than  
9 a retail business, which is exclusively for the personal use of an  
10 individual.

11          E. Any person who possesses or uses a cigarette rolling vending  
12 machine for commercial purposes in violation of this section is  
13 subject to the following penalties:

14          1. Revocation or termination of any license, permit,  
15 appointment or commission under Article 3, 3A, 3B, 3C, 4 or 4A of  
16 Title 68 of the Oklahoma Statutes;

17          2. Forfeiture and destruction of the cigarette rolling vending  
18 machine by the State of Oklahoma after notice and hearing; and

19          3. Imprisonment for not more than ninety (90) days or a fine  
20 not exceeding Five Thousand Dollars (\$5,000.00), or a combination of  
21 both fine and imprisonment, in any action brought by the district  
22 attorney in whose district the cigarette rolling vending machine is  
23 located, or by the Attorney General.

1 F. The remedies and penalties provided by this section are  
2 cumulative to each other and to the remedies or penalties available  
3 under all other laws of this state.

4 SECTION 2. This act shall become effective July 1, 2012.

5 SECTION 3. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval."

9 Passed the Senate the 10th day of April, 2012.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2012.

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16 \_\_\_\_\_  
17 Presiding Officer of the House  
18 of Representatives

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

13 SECTION 4. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 360.10 of Title 68, unless there  
15 is created a duplication in numbering, reads as follows:

16 Every person that maintains a machine or device at a retail  
17 establishment that enables any person to process at that  
18 establishment tobacco or any product that is made or derived from  
19 tobacco into a roll or tube shall be deemed to be a manufacturer of  
20 cigarettes and the resulting product shall be deemed to be  
21 cigarettes sold to a consumer for purposes of the Master Settlement  
22 Agreement Complementary Act, the provisions of Sections 301 through  
23 325 of Title 68 of the Oklahoma Statutes, the Unfair Cigarette and  
24 Tobacco Products Sales Act, the provisions of Sections 346 through

1 352 of Title 68 of the Oklahoma Statutes, Sections 600.21 through  
2 600.23 of Title 37 of the Oklahoma Statutes, and the Fire Safety  
3 Standard and Firefighter Protection Act.

4 SECTION 5. This act shall become effective July 1, 2012.

5 SECTION 6. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

9 Passed the House of Representatives the 6th day of March, 2012.

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Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.

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Presiding Officer of the Senate