

1 ENGROSSED SENATE
2 BILL NO. 179

By: Crain of the Senate

3 and

4 Armes of the House
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7 An Act relating to cigars packaged in glass tubes;
8 amending Section 1, Chapter 323, O.S.L. 2010 (63 O.S.
9 Supp. 2010, Section 2-101.2), which relates to the
10 retail sale of glass tubes; exempting certain cigars
11 from prohibition of glass tube sales; and declaring
12 an emergency.

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

13 SECTION 1. AMENDATORY Section 1, Chapter 323, O.S.L.

14 2010 (63 O.S. Supp. 2010, Section 2-101.2), is amended to read as

15 follows:

16 Section 2-101.2. A. As used in this section:

17 1. "Glass tube" means an object which meets all of the

18 following requirements:

19 a. a hollow glass cylinder, either open or closed at

20 either end,

21 b. not less than two (2) nor more than seven (7) inches

22 in length,

23 c. not less than one-eighth (1/8) inch nor more than

24 three-fourths (3/4) inch in diameter,

- 1 d. may be used to facilitate, or intended or designed to
2 facilitate, violations of the Uniform Controlled
3 Dangerous Substances Act including, but not limited
4 to, processing, preparing, testing, analyzing,
5 packaging, repackaging, storing, containing, and
6 concealing controlled substances and injecting,
7 ingesting, inhaling, or otherwise introducing
8 controlled substances into the human body, and
9 e. sold individually, or in connection with another
10 object such as a novelty holder, flower vase, or pen.
11 The foregoing descriptions are intended to be
12 illustrative and not exclusive;

13 2. "Patron" means a person who enters a business for the
14 purpose of purchasing or viewing as a shopper, merchandise offered
15 for sale at the business; and

16 3. "Retailer" means a person, corporation, or partnership
17 primarily engaged in the sale of consumable goods and services
18 including, but not limited to, food and gasoline, at retail to the
19 general public. A retailer shall not include any person,
20 corporation, or partnership that sells specialized laboratory
21 equipment for research or educational purposes.

22 B. It shall be unlawful for a retailer within the State of
23 Oklahoma to offer for retail sale to any patron a glass tube, as
24 defined in subsection A of this section.

1 C. A retailer, or an employee of the retailer, who willfully
2 and knowingly violates the provisions of subsection B of this
3 section shall, upon conviction, be guilty of a misdemeanor
4 punishable by incarceration in the county jail for not more than one
5 (1) year, or by a fine of not less than One Thousand Dollars
6 (\$1,000.00), or by both such fine and imprisonment.

7 D. The provisions of this section shall not be construed to
8 prohibit the sale of cigars packaged by the manufacturer in
9 containers or tubes made of glass to facilitate the sale of the item
10 and not for another purpose prohibited by law.

11 SECTION 2. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 Passed the Senate the 7th day of March, 2011.

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17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2011.

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22 Presiding Officer of the House
23 of Representatives

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