

ENROLLED SENATE  
BILL NO. 179

By: Crain of the Senate

and

Armes of the House

An Act relating to cigars packaged in glass tubes; amending Section 1, Chapter 323, O.S.L. 2010 (63 O.S. Supp. 2010, Section 2-101.2), which relates to the retail sale of glass tubes; and exempting certain cigars from prohibition of glass tube sales.

SUBJECT: exempting certain cigars from prohibition of glass tube sales

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

SECTION 1. AMENDATORY Section 1, Chapter 323, O.S.L. 2010 (63 O.S. Supp. 2010, Section 2-101.2), is amended to read as follows:

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

1. "Glass tube" means an object which meets all of the following requirements:

- a. a hollow glass cylinder, either open or closed at either end,
- b. not less than two (2) nor more than seven (7) inches in length,

- c. not less than one-eighth (1/8) inch nor more than three-fourths (3/4) inch in diameter,
- d. may be used to facilitate, or intended or designed to facilitate, violations of the Uniform Controlled Dangerous Substances Act including, but not limited to, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, and concealing controlled substances and injecting, ingesting, inhaling, or otherwise introducing controlled substances into the human body, and
- e. sold individually, or in connection with another object such as a novelty holder, flower vase, or pen. The foregoing descriptions are intended to be illustrative and not exclusive;

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

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

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

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

D. The provisions of this section shall not be construed to prohibit the sale of cigars packaged by the manufacturer in

containers or tubes made of glass to facilitate the sale of the item  
and not for another purpose prohibited by law.

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

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 30th day of March, 2011.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives