

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1602 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Jackson

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1602

By: Johnson (Rob) of the Senate

and

Jackson of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to tobacco products; amending 21 O.S. 2011, Section 1241, which relates to furnishing certain products to minors; amending 21 O.S. 2011, Section 1242, which relates to certain refusals; amending 37 O.S. 2011, Section 600.2, which relates to definitions; amending 37 O.S. 2011, Section 600.3, which relates to furnishing of tobacco products; amending 37 O.S. 2011, Section 600.4, as renumbered by Section 28, Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2013, Section 2-8-224), which relates to purchase and receipt of tobacco products; amending 37 O.S. 2011, Section 600.5, which relates to signs in retail establishments; amending 37 O.S. 2011, Section 600.6, which relates to notice to retail employees; amending 37 O.S. 2011, Section 600.7, which relates to restrictions on vending machine sales; amending 37 O.S. 2011, Section 600.8, which relates to distribution of tobacco product samples; amending 37 O.S. 2011, Section 600.10, which relates to regulation by political subdivisions; amending 37 O.S. 2011, Section 600.10A, which relates to display or sale of tobacco products; amending 37 O.S. 2011, Section 600.11, which relates to enforcement of certain acts; amending 37 O.S. 2011, Section 600.13, which relates to prohibition of certain product transfers; providing definitions; adding vapor

1 products to certain laws relating to tobacco
2 products; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1241, is
6 amended to read as follows:

7 Section 1241. Any person who shall furnish to any minor by
8 gift, sale or otherwise any cigarettes, cigarette papers, cigars,
9 bidis, snuff, chewing tobacco, or any other form of tobacco product,
10 or vapor products shall be guilty of a misdemeanor and, upon
11 conviction, shall be punished by a fine in the amount of not less
12 than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars
13 (\$200.00) and by imprisonment in the county jail for a term of not
14 less than ten (10) days nor more than ninety (90) days for each
15 offense. For the purposes of this section, the term "vapor product"
16 shall have the same meaning as provided in the Prevention of Youth
17 Access to Tobacco Act.

18 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1242, is
19 amended to read as follows:

20 Section 1242. Any minor being in possession of cigarettes,
21 cigarette papers, cigars, snuff, chewing tobacco, or any other form
22 of tobacco product, or vapor products and being by any police
23 officer, constable, juvenile court officer, truant officer, or
24 teacher in any school, asked where and from whom such cigarettes,

1 cigarette papers, cigars, snuff, chewing tobacco, or any other form
2 of tobacco product, or vapor products were obtained, who shall
3 refuse to furnish such information, shall be guilty of a misdemeanor
4 and upon conviction thereof before the district court, or any judge
5 of the district court, such minor being of the age of sixteen (16)
6 years or upwards shall be sentenced to pay a fine not exceeding Five
7 Dollars (\$5.00) or to undergo an imprisonment in the jail of the
8 proper county not exceeding five (5) days, or both; if such minor
9 shall be under the age of sixteen (16) years, he or she shall be
10 certified by such magistrate or justice to the juvenile court of the
11 county for such action as ~~said~~ the court shall deem proper. For the
12 purposes of this section, the term "vapor product" shall have the
13 same meaning as provided in the Prevention of Youth Access to
14 Tobacco Act.

15 SECTION 3. AMENDATORY 37 O.S. 2011, Section 600.2, is
16 amended to read as follows:

17 Section 600.2 As used in the Prevention of Youth Access to
18 Tobacco Act:

19 1. "Person" means any individual, firm, fiduciary, partnership,
20 corporation, trust, or association, however formed;

21 2. "Proof of age" means a driver license, license for
22 identification only, or other generally accepted means of
23 identification that describes the individual as eighteen (18) years
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1 of age or older and contains a photograph or other likeness of the
2 individual and appears on its face to be valid;

3 3. "Sample" means a tobacco product or vapor product
4 distributed to members of the public at no cost for the purpose of
5 promoting the product;

6 4. "Sampling" means the distribution of samples to members of
7 the public in a public place;

8 5. "Tobacco product" means any product that contains tobacco
9 and is intended for human consumption, but does not include vapor
10 products;

11 6. "Transaction scan" means the process by which a seller
12 checks, by means of a transaction scan device, the validity of a
13 driver license or other government-issued photo identification; ~~and~~

14 7. "Transaction scan device" means any commercial device or
15 combination of devices used at a point of sale or entry that is
16 capable of deciphering in an electronically readable format the
17 information encoded on the magnetic strip or bar code of a driver
18 license or other government-issued photo identification; and

19 8. "Vapor product" shall mean noncombustible products, that may
20 or may not contain nicotine, that employ a mechanical heating
21 element, battery, electronic circuit, or other mechanism, regardless
22 of shape or size, that can be used to produce a vapor in a solution
23 or other form. "Vapor products" shall include any vapor cartridge
24 or other container with or without nicotine or other form that is

1 intended to be used with an electronic cigarette, electronic cigar,
2 electronic cigarillo, electronic pipe, or similar product or device
3 and any vapor cartridge or other container of a solution, that may
4 or may not contain nicotine that is intended to be used with or in
5 an electronic cigarette, electronic cigar, electronic cigarillo or
6 electronic device. "Vapor products" do not include any products
7 regulated by the United States Food and Drug Administration under
8 Chapter V of the Food, Drug, and Cosmetic Act.

9 SECTION 4. AMENDATORY 37 O.S. 2011, Section 600.3, is
10 amended to read as follows:

11 Section 600.3 A. It is unlawful for any person to sell, give
12 or furnish in any manner any tobacco product or vapor product to
13 another person who is under eighteen (18) years of age, or to
14 purchase in any manner a tobacco product or vapor product on behalf
15 of any such person. It shall not be unlawful for an employee under
16 eighteen (18) years of age to handle tobacco products or vapor
17 products when required in the performance of the employee's duties.

18 B. A person engaged in the sale or distribution of tobacco
19 products or vapor products shall demand proof of age from a
20 prospective purchaser or recipient if an ordinary person would
21 conclude on the basis of appearance that the prospective purchaser
22 may be under eighteen (18) years of age.

23 If an individual engaged in the sale or distribution of tobacco
24 products or vapor products has demanded proof of age from a

1 prospective purchaser or recipient who is not under eighteen (18)
2 years of age, the failure to subsequently require proof of age shall
3 not constitute a violation of ~~subsection B of this section~~ this
4 subsection.

5 C. 1. When a person violates subsection A or B of this
6 section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission
7 shall impose an administrative fine of:

8 a. not more than One Hundred Dollars (\$100.00) for the
9 first offense,

10 b. not more than Two Hundred Dollars (\$200.00) for the
11 second offense within a two-year period following the
12 first offense,

13 c. not more than Three Hundred Dollars (\$300.00) for a
14 third offense within a two-year period following the
15 first offense. In addition to any other penalty, the
16 store's license to sell tobacco products or the
17 store's sales tax permit for a store that is
18 predominantly engaged in the sale of vapor products in
19 which the sale of other products is merely incidental
20 may be suspended for a period not exceeding thirty
21 (30) days, or

22 d. not more than Three Hundred Dollars (\$300.00) for a
23 fourth or subsequent offense within a two-year period
24 following the first offense. In addition to any other

1 penalty, the store's license to sell tobacco products
2 or the store's sales tax permit for a store that is
3 predominantly engaged in the sale of vapor products in
4 which the sale of other products is merely incidental
5 may be suspended for a period not exceeding sixty (60)
6 days.

7 2. When it has been determined that a penalty shall include a
8 license or permit suspension, the ABLE Commission shall notify the
9 Oklahoma Tax Commission, and the Tax Commission shall suspend the
10 store's license to sell tobacco products or the store's sales tax
11 permit for a store that is predominantly engaged in the sale of
12 vapor products in which the sale of other products is merely
13 incidental at the location where the offense occurred for the period
14 of time prescribed by the ABLE Commission.

15 3. Proof that the defendant demanded, was shown, and reasonably
16 relied upon proof of age shall be a defense to any action brought
17 pursuant to this section. A person cited for violating this section
18 shall be deemed to have reasonably relied upon proof of age, and
19 such person shall not be found guilty of ~~such~~ the violation if such
20 person proves that:

21 a. the individual who purchased or received the tobacco
22 product or vapor product presented a driver license or
23 other government-issued photo identification
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1 purporting to establish that such individual was
2 eighteen (18) years of age or older, ~~and~~ or

3 b. the person cited for the violation confirmed the
4 validity of the driver license or other government-
5 issued photo identification presented by such
6 individual by performing a transaction scan by means
7 of a transaction scan device.

8 Provided, that this defense shall not relieve from liability any
9 person cited for a violation of this section if ~~such~~ the person
10 failed to exercise reasonable diligence to determine whether the
11 physical description and picture appearing on the driver license or
12 other government-issued photo identification was that of the
13 individual who presented it. The availability of the defense
14 described in this subsection does not affect the availability of any
15 other defense under any other provision of law.

16 D. If the sale is made by an employee of the owner of a store
17 at which tobacco products or vapor products are sold at retail, the
18 employee shall be guilty of the violation and shall be subject to
19 the fine. Each violation by any employee of an owner of a store
20 licensed to sell tobacco products or permitted to sell vapor
21 products shall be deemed a violation against the owner for purposes
22 of a license suspension pursuant to subsection C of this section.
23 Each violation by an employee of a store predominantly engaged in
24 the sale of vapor products in which the sale of other products is

1 merely incidental shall be deemed a violation against the owner for
2 purposes of a sales tax permit suspension pursuant to the provisions
3 of subsection C of this section. An owner of a store licensed to
4 sell tobacco products or permitted to sell vapor products shall not
5 be deemed in violation of the provisions of the Prevention of Youth
6 Access to Tobacco Act for any acts constituting a violation by any
7 person, when the violation occurs prior to actual employment of the
8 person by the store owner or the violation occurs at a location
9 other than the owner's retail store. For purposes of determining
10 the liability of a person controlling franchises or business
11 operations in multiple locations, for any violations of subsection A
12 or B of this section, each individual franchise or business location
13 shall be deemed a separate entity.

14 E. On or before December 15, 1997, the ABLE Commission shall
15 adopt rules establishing a method of notification of storeowners
16 when one of their employees has been determined to be in violation
17 of this section by the ABLE Commission or convicted of a violation
18 by a municipality.

19 F. 1. Upon failure of the employee to pay the administrative
20 fine within ninety (90) days of the day of the assessment of such
21 fine, the ABLE Commission shall notify the Department of Public
22 Safety, and the Department shall suspend or not issue a driver
23 license to the employee until proof of payment has been furnished to
24 the Department of Public Safety.

1 2. Upon failure of a storeowner to pay the administrative fine
2 within ninety (90) days of the assessment of the fine, the ABLE
3 Commission shall notify the Tax Commission, and the Tax Commission
4 shall suspend the store's license to sell tobacco products or the
5 store's sales tax permit for a store that is predominantly engaged
6 in the sale of vapor products in which the sale of other products is
7 merely incidental until proof of payment has been furnished to the
8 Oklahoma Tax Commission.

9 G. Cities and towns may enact and municipal police officers may
10 enforce ordinances prohibiting and penalizing conduct under
11 provisions of this section, but the provisions of municipal
12 ordinances shall be the same as provided for in this section, and
13 the penalty provisions under such ordinances shall not be more
14 stringent than those of this section.

15 H. County sheriffs may enforce the provisions of the Prevention
16 of Youth Access to Tobacco Act.

17 SECTION 5. AMENDATORY 37 O.S. 2011, Section 600.4, as
18 renumbered by Section 28, Chapter 404, O.S.L. 2013 (10A O.S. Supp.
19 2013, Section 2-8-224), is amended to read as follows:

20 Section 2-8-224. A. It is unlawful for a person who is under
21 eighteen (18) years of age to purchase, receive, or have in ~~their~~
22 his or her possession a tobacco product, or vapor product, or to
23 present or offer to any person any purported proof of age which is
24 false or fraudulent, for the purpose of purchasing or receiving any

1 tobacco product or vapor product. It shall not be unlawful for an
2 employee under eighteen (18) years of age to handle tobacco products
3 or vapor products when required in the performance of the employee's
4 duties.

5 B. When a person violates subsection A of this section, the
6 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
7 an administrative fine of:

8 1. Not to exceed One Hundred Dollars (\$100.00) for a first
9 offense; and

10 2. Not to exceed Two Hundred Dollars (\$200.00) for a second or
11 subsequent offense within a one-year period following the first
12 offense.

13 Upon failure of the individual to pay the administrative fine
14 within ninety (90) days of the day of the fine, the ABLE Commission
15 shall notify the Department of Public Safety, and the Department
16 shall suspend or not issue a driver license to the individual until
17 proof of payment has been furnished to the Department of Public
18 Safety.

19 C. The ABLE Commission shall establish rules to provide for
20 notification to a parent or guardian of any minor cited for a
21 violation of this section.

22 D. Cities and towns may enact and municipal police officers may
23 enforce ordinances prohibiting and penalizing conduct under
24 provisions of this section, but the provisions of such ordinances

1 shall be the same as provided for in this section, and the
2 enforcement provisions under such ordinances shall not be more
3 stringent than those of this section.

4 E. For the purposes of this section, the term "vapor products"
5 shall have the same meaning as provided in the Prevention of Youth
6 Access to Tobacco Act.

7 SECTION 6. AMENDATORY 37 O.S. 2011, Section 600.5, is
8 amended to read as follows:

9 Section 600.5 A. Every person who sells or displays tobacco
10 products or vapor products at retail shall post conspicuously and
11 keep so posted at the place of business a sign, as specified by the
12 Alcoholic Beverage Laws Enforcement (ABLE) Commission, stating the
13 following: "IT'S THE LAW. WE DO NOT SELL TOBACCO PRODUCTS OR VAPOR
14 PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE". The sign shall also
15 provide the toll-free number operated by the Alcoholic Beverage Laws
16 Enforcement (ABLE) Commission for the purpose of reporting
17 violations of the Prevention of Youth Access to Tobacco Act.

18 B. When a person violates subsection A of this section, the
19 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
20 an administrative fine of not more than Fifty Dollars (\$50.00) for
21 each day a violation occurs. Each day a violation is continuing
22 shall constitute a separate offense. The notice required by
23 subsection A of this section shall be the only notice required to be
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1 posted or maintained in any store that sells tobacco products or
2 vapor products at retail.

3 SECTION 7. AMENDATORY 37 O.S. 2011, Section 600.6, is
4 amended to read as follows:

5 Section 600.6 A. Every person engaged in the business of
6 selling tobacco products or vapor products at retail shall notify
7 each individual employed by that person as a retail sales clerk that
8 state law:

9 1. Prohibits the sale or distribution of tobacco products or
10 vapor products to any person under eighteen (18) years of age and
11 the purchase or receipt of tobacco products or vapor products by any
12 person under eighteen (18) years of age; and

13 2. Requires that proof of age be demanded from a prospective
14 purchaser or recipient if an ordinary person would conclude on the
15 basis of appearance that the prospective purchaser or recipient may
16 be under eighteen (18) years of age.

17 B. This notice shall be provided before the individual
18 commences work as a retail sales clerk. The individual shall
19 signify that he or she has received the notice required by this
20 section by signing a form stating as follows:

21 "I understand that state law prohibits the sale or distribution of
22 tobacco products or vapor products to persons under eighteen (18)
23 years of age and out-of-package sales, and requires proof of age of
24 purchaser or recipient if an ordinary person would conclude on the

1 basis of appearance that the prospective purchaser or recipient may
2 be under eighteen (18) years of age. I promise, as a condition of
3 my employment, to obey the law. I understand that violations by me
4 may be punishable by fines, suspension or nonissuance of my driver
5 license. In addition, I understand that violations by me may
6 subject the storeowner to fines or license or permit suspension."

7 SECTION 8. AMENDATORY 37 O.S. 2011, Section 600.7, is
8 amended to read as follows:

9 Section 600.7 It shall be unlawful for any person to sell
10 tobacco products or vapor products through a vending machine unless
11 the vending machine is located:

12 1. In areas of factories, businesses, offices or other places
13 that are not open to the public; and

14 2. In places that are open to the public, but to which persons
15 under eighteen (18) years of age are not admitted.

16 SECTION 9. AMENDATORY 37 O.S. 2011, Section 600.8, is
17 amended to read as follows:

18 Section 600.8 A. It shall be unlawful for any person or
19 retailer to distribute tobacco products, vapor products or product
20 samples to any person under eighteen (18) years of age.

21 B. No person shall distribute tobacco products, vapor products
22 or product samples in or on any public street, sidewalk, or park
23 that is within three hundred (300) feet of any playground, school,
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1 or other facility when the facility is being used primarily by
2 persons under eighteen (18) years of age.

3 C. When a person violates any provision of subsection A or B of
4 this section, the Alcoholic Beverage Laws Enforcement (ABLE)
5 Commission shall impose an administrative fine of:

6 1. Not more than One Hundred Dollars (\$100.00) for the first
7 offense;

8 2. Not more than Two Hundred Dollars (\$200.00) for the second
9 offense; and

10 3. Not more than Three Hundred Dollars (\$300.00) for a third or
11 subsequent offense.

12 D. Upon failure of any person to pay an administrative fine
13 within ninety (90) days of the assessment of the fine, the ABLE
14 Commission shall notify the Department of Public Safety, and the
15 Department shall suspend or not issue a driver license to the person
16 until proof of payment has been furnished to the Department of
17 Public Safety.

18 E. Cities and towns may enact and municipal police officers may
19 enforce ordinances prohibiting and penalizing conduct under
20 provisions of this section, but the provisions of municipal
21 ordinances shall be the same as provided for in this section, and
22 the penalty provisions under such ordinances shall not be more
23 stringent than those of this section.

1 SECTION 10. AMENDATORY 37 O.S. 2011, Section 600.10, is
2 amended to read as follows:

3 Section 600.10 No agency or other political subdivision of the
4 state, including, but not limited to, municipalities, counties or
5 any agency thereof, may adopt any order, ordinance, rule or
6 regulation concerning the sale, purchase, distribution, advertising,
7 sampling, promotion, display, possession, licensing, or taxation of
8 tobacco products or vapor products, except as provided in Section
9 1511 of Title 68 of the Oklahoma Statutes, Section 1-1521 et seq. of
10 Title 63 of the Oklahoma Statutes and Section 1247 of Title 21 of
11 the Oklahoma Statutes. Provided, however, nothing in this section
12 shall preclude or preempt any agency or political subdivision from
13 exercising its lawful authority to regulate zoning or land use or to
14 enforce a fire code regulation regulating smoking or tobacco
15 products to the extent that such regulation is substantially similar
16 to nationally recognized standard fire codes.

17 SECTION 11. AMENDATORY 37 O.S. 2011, Section 600.10A, is
18 amended to read as follows:

19 Section 600.10A A. It is unlawful for any person or retail
20 store to display or offer for sale tobacco products or vapor
21 products in any manner that allows public access to the tobacco
22 ~~product~~ products or vapor products without assistance from the
23 person displaying the tobacco ~~product~~ products or vapor products or
24 an employee or the owner of the store. The provisions of this

1 subsection shall not apply to retail stores which do not admit into
2 the store persons under eighteen (18) years of age.

3 B. When a person violates subsection A of this section, the
4 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
5 an administrative fine of not more than Two Hundred Dollars
6 (\$200.00) for each offense.

7 C. Cities and towns may enact and municipal police officers may
8 enforce ordinances prohibiting and penalizing conduct under
9 provisions of this section, but the provisions of municipal
10 ordinances shall be the same as provided for in this section, and
11 the penalty provisions under such ordinances shall not be more
12 stringent than those of this section.

13 SECTION 12. AMENDATORY 37 O.S. 2011, Section 600.11, is
14 amended to read as follows:

15 Section 600.11 A. The Alcoholic Beverage Laws Enforcement
16 (ABLE) Commission is authorized and empowered to enforce the
17 provisions of Sections 600.1 et seq. of this title. The ABLE
18 Commission shall enforce those provisions in a manner that can
19 reasonably be expected to reduce the extent to which tobacco
20 products or vapor products are sold or distributed to persons under
21 eighteen (18) years of age.

22 B. The ABLE Commission may consider mitigating or aggravating
23 circumstances involved with the violation of the Prevention of Youth
24 Access to Tobacco Act when assessing penalties.

1 C. Any conviction for a violation of a municipal ordinance
2 authorized by the Prevention of Youth Access to Tobacco Act and any
3 compliance checks by a municipal police officer or a county sheriff
4 pursuant to subsection E of this section shall be reported in
5 writing to the ABLE Commission within thirty (30) days of such
6 conviction or compliance check. Such reports shall be compiled in
7 the manner prescribed by the ABLE Commission.

8 D. For the purpose of determining second or subsequent
9 violations, both the offenses penalized by the ABLE Commission as
10 administrative fines and the offenses penalized by municipalities
11 and towns and reported to the ABLE Commission, shall be considered
12 together in such determination.

13 E. Persons under eighteen (18) years of age may be enlisted by
14 the ABLE Commission, a municipality or town, or a county to assist
15 in compliance checks and enforcement; provided, such persons may be
16 used to test compliance only if written parental consent has been
17 provided and the testing is conducted under the direct supervision
18 of the ABLE Commission or conducted by another law enforcement
19 agency if such agency has given written notice to the ABLE
20 Commission in the manner prescribed by the ABLE Commission.
21 Municipalities which have enacted municipal ordinances in accordance
22 with the Prevention of Youth Access to Tobacco Act may conduct,
23 pursuant to rules of the ABLE Commission, compliance checks without
24 prior notification to the ABLE Commission and shall be exempt from

1 the written notice requirement in this subsection. This subsection
2 shall not apply to the use of persons under eighteen (18) years of
3 age to test compliance if the compliance test is being conducted by
4 or on behalf of a retailer of cigarettes, as defined in Section 301
5 of Title 68 of the Oklahoma Statutes, at any location the retailer
6 of cigarettes is authorized to sell cigarettes. Any other use of
7 persons under eighteen (18) years of age to test compliance shall be
8 unlawful and punishable by the ABLE Commission by assessment of an
9 administrative fine of One Hundred Dollars (\$100.00).

10 F. At the beginning of each month, the Oklahoma Tax Commission,
11 pursuant to Section 205 of Title 68 of the Oklahoma Statutes, shall
12 provide to the ABLE Commission and to each municipality which has
13 ordinances concerning the Prevention of Youth Access to Tobacco Act,
14 the location, name, and address of each licensee licensed to sell
15 tobacco products or vapor products at retail or otherwise furnish
16 tobacco products or vapor products. Upon violation of an employee
17 at a location, the ABLE Commission shall notify the storeowner for
18 that location of the latest and all previous violations when one of
19 their employees has been determined to be in violation of the
20 Prevention of Youth Access to Tobacco Act by the ABLE Commission or
21 convicted of a violation by a municipality. If the ABLE Commission
22 fails to notify the licensee of a violation by an employee, that
23 violation shall not apply against the licensee for the purpose of
24 determining a license suspension pursuant to Section 600.3 of this

1 title. For purposes of this subsection, notification shall be
2 deemed given if the ABLE Commission mails, by mail with delivery
3 confirmation, the notification to the address which is on file with
4 the Oklahoma Tax Commission of the licensee or sales tax permit
5 holder of the location at which the violation occurred and the ABLE
6 Commission receives delivery confirmation from the U.S. Postal
7 Service.

8 G. Upon request of a storeowner or a municipality which has
9 enacted ordinances in accordance with the Prevention of Youth Access
10 to Tobacco Act, the ABLE Commission is hereby authorized to provide
11 information on any Prevention of Youth Access to Tobacco Act offense
12 of any applicant for employment or employee of the storeowner.

13 H. The ABLE Commission shall prepare for submission annually to
14 the Secretary of the United States Department of Health and Human
15 Services, the report required by Section 1926 of the federal Public
16 Health Service Act (42 U.S.C. 300-26), and otherwise shall be
17 responsible for ensuring the state's compliance with that provision
18 of federal law and any implementing of regulations promulgated by
19 the United States Department of Health and Human Services.

20 SECTION 13. AMENDATORY 37 O.S. 2011, Section 600.13, is
21 amended to read as follows:

22 Section 600.13 A. It is unlawful for any person to sell, give
23 or furnish in any manner to another person who is under eighteen
24 (18) years of age any material or device used in the smoking,

1 chewing, or other method of consumption of tobacco products or vapor
2 products, including cigarette papers, pipes, holders of smoking
3 materials of all types, and other items designed primarily for the
4 smoking or ingestion of tobacco products or vapor products.

5 B. When a person violates subsection A of this section, the
6 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
7 an administrative fine of not more than One Hundred Dollars
8 (\$100.00) for each offense.

9 SECTION 14. This act shall become effective November 1, 2014.

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11 54-2-10692 MAH 03/31/14

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