

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1602

By: Johnson (Rob) of the Senate

and

Jackson of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to tobacco products; amending 21 O.S.
11 2011, Section 1241, which relates to furnishing
12 certain products to minors; amending 21 O.S. 2011,
13 Section 1242, which relates to certain refusals;
14 amending 37 O.S. 2011, Section 600.2, which relates
15 to definitions; amending 37 O.S. 2011, Section 600.3,
16 which relates to furnishing of tobacco products;
17 amending 37 O.S. 2011, Section 600.4, as renumbered
18 by Section 28, Chapter 404, O.S.L. 2013 (10A O.S.
19 Supp. 2013, Section 2-8-224), which relates to
20 purchase and receipt of tobacco products; amending 37
21 O.S. 2011, Section 600.5, which relates to signs in
22 retail establishments; amending 37 O.S. 2011, Section
23 600.6, which relates to notice to retail employees;
24 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
products to certain laws relating to tobacco
products; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 If an individual engaged in the sale or distribution of tobacco
22 products or vapor products has demanded proof of age from a
23 prospective purchaser or recipient who is not under eighteen (18)
24 years of age, the failure to subsequently require proof of age shall

1 not constitute a violation of ~~subsection B of this section~~ this
2 subsection.

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

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

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

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

20 d. not more than Three Hundred Dollars (\$300.00) for a
21 fourth or subsequent offense within a two-year period
22 following the first offense. In addition to any other
23 penalty, the store's license to sell tobacco products
24 or the store's sales tax permit for a store that is

1 predominantly engaged in the sale of vapor products in
2 which the sale of other products is merely incidental
3 may be suspended for a period not exceeding sixty (60)
4 days.

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

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

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

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

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

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

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

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

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

23 2. Upon failure of a storeowner to pay the administrative fine
24 within ninety (90) days of the assessment of the fine, the ABLE

1 Commission shall notify the Tax Commission, and the Tax Commission
2 shall suspend the store's license to sell tobacco products or the
3 store's sales tax permit for a store that is predominantly engaged
4 in the sale of vapor products in which the sale of other products is
5 merely incidental until proof of payment has been furnished to the
6 Oklahoma Tax Commission.

7 G. 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 H. County sheriffs may enforce the provisions of the Prevention
14 of Youth Access to Tobacco Act.

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

18 Section 2-8-224. A. It is unlawful for a person who is under
19 eighteen (18) years of age to purchase, receive, or have in ~~their~~
20 his or her possession a tobacco product, or vapor product, or to
21 present or offer to any person any purported proof of age which is
22 false or fraudulent, for the purpose of purchasing or receiving any
23 tobacco product or vapor product. It shall not be unlawful for an
24 employee under eighteen (18) years of age to handle tobacco products

1 or vapor products when required in the performance of the employee's
2 duties.

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:

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

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

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

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

20 D. Cities and towns may enact and municipal police officers may
21 enforce ordinances prohibiting and penalizing conduct under
22 provisions of this section, but the provisions of such ordinances
23 shall be the same as provided for in this section, and the
24

1 enforcement provisions under such ordinances shall not be more
2 stringent than those of this section.

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

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

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

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

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

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

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

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

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

19 "I understand that state law prohibits the sale or distribution of
20 tobacco products or vapor products to persons under eighteen (18)
21 years of age and out-of-package sales, and requires proof of age of
22 purchaser or recipient if an ordinary person would conclude on the
23 basis of appearance that the prospective purchaser or recipient may
24 be under eighteen (18) years of age. I promise, as a condition of

1 my employment, to obey the law. I understand that violations by me
2 may be punishable by fines, suspension or nonissuance of my driver
3 license. In addition, I understand that violations by me may
4 subject the storeowner to fines or license or permit suspension."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Section 600.10A A. It is unlawful for any person or retail
18 store to display or offer for sale tobacco products or vapor
19 products in any manner that allows public access to the tobacco
20 ~~product~~ products or vapor products without assistance from the
21 person displaying the tobacco ~~product~~ products or vapor products or
22 an employee or the owner of the store. The provisions of this
23 subsection shall not apply to retail stores which do not admit into
24 the store persons under eighteen (18) years of age.

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

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

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

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

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

23 C. Any conviction for a violation of a municipal ordinance
24 authorized by the Prevention of Youth Access to Tobacco Act and any

1 compliance checks by a municipal police officer or a county sheriff
2 pursuant to subsection E of this section shall be reported in
3 writing to the ABLE Commission within thirty (30) days of such
4 conviction or compliance check. Such reports shall be compiled in
5 the manner prescribed by the ABLE Commission.

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

11 E. Persons under eighteen (18) years of age may be enlisted by
12 the ABLE Commission, a municipality or town, or a county to assist
13 in compliance checks and enforcement; provided, such persons may be
14 used to test compliance only if written parental consent has been
15 provided and the testing is conducted under the direct supervision
16 of the ABLE Commission or conducted by another law enforcement
17 agency if such agency has given written notice to the ABLE
18 Commission in the manner prescribed by the ABLE Commission.
19 Municipalities which have enacted municipal ordinances in accordance
20 with the Prevention of Youth Access to Tobacco Act may conduct,
21 pursuant to rules of the ABLE Commission, compliance checks without
22 prior notification to the ABLE Commission and shall be exempt from
23 the written notice requirement in this subsection. This subsection
24 shall not apply to the use of persons under eighteen (18) years of

1 age to test compliance if the compliance test is being conducted by
2 or on behalf of a retailer of cigarettes, as defined in Section 301
3 of Title 68 of the Oklahoma Statutes, at any location the retailer
4 of cigarettes is authorized to sell cigarettes. Any other use of
5 persons under eighteen (18) years of age to test compliance shall be
6 unlawful and punishable by the ABLE Commission by assessment of an
7 administrative fine of One Hundred Dollars (\$100.00).

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

1 confirmation, the notification to the address which is on file with
2 the Oklahoma Tax Commission of the licensee or sales tax permit
3 holder of the location at which the violation occurred and the ABLE
4 Commission receives delivery confirmation from the U.S. Postal
5 Service.

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

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

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

20 Section 600.13 A. It is unlawful for any person to sell, give
21 or furnish in any manner to another person who is under eighteen
22 (18) years of age any material or device used in the smoking,
23 chewing, or other method of consumption of tobacco products or vapor
24 products, including cigarette papers, pipes, holders of smoking

1 materials of all types, and other items designed primarily for the
2 smoking or ingestion of tobacco products or vapor products.

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 One Hundred Dollars
6 (\$100.00) for each offense.

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

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