

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1602

6 By: Johnson (Rob)

7 COMMITTEE SUBSTITUTE

8 An Act relating to tobacco products; amending 21 O.S.
9 2011, Section 1241, which relates to furnishing
10 certain products to minors; amending 21 O.S. 2011,
11 Section 1242, which relates to certain refusals;
12 amending 37 O.S. 2011, Section 600.2, which relates
13 to definitions; amending 37 O.S. 2011, Section 600.3,
14 which relates to furnishing of tobacco products;
15 amending 37 O.S. 2011, Section 600.4, as renumbered
16 by Section 28, Chapter 404, O.S.L. 2013 (10A O.S.
17 Supp. 2013, Section 2-8-224), which relates to
18 purchase and receipt of tobacco products; amending 37
19 O.S. 2011, Section 600.5, which relates to signs in
20 retail establishments; amending 37 O.S. 2011, Section
21 600.6, which relates to notice to retail employees;
22 amending 37 O.S. 2011, Section 600.7, which relates
23 to restrictions on vending machine sales; amending 37
24 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 alternative
nicotine products and vapor products to certain laws
relating to tobacco products; and providing an
effective date.

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

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

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

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

17 Section 1242. Any minor being in possession of cigarettes,
18 cigarette papers, cigars, snuff, chewing tobacco, alternative
19 nicotine products, vapor products or any other form of tobacco
20 product and being by any police officer, constable, juvenile court
21 officer, truant officer, or teacher in any school, asked where and
22 from whom such cigarettes, cigarette papers, cigars, snuff, chewing
23 tobacco, alternative nicotine products, vapor products or any other
24 form of tobacco product were obtained, who shall refuse to furnish

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

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

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

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

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

24

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

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

6 5. "Alternative nicotine product" shall mean any noncombustible
7 product containing nicotine that is intended for human consumption,
8 whether chewed, absorbed, dissolved or ingested by any other means.

9 "Alternative nicotine products" do not include any vapor product,
10 tobacco products as defined by paragraph 6 of this section or any
11 product regulated as a drug or device by the United States Food and
12 Drug Administration under Chapter V of the Food, Drug and Cosmetic
13 Act;

14 6. "Tobacco product" means any product that contains tobacco
15 and is intended for human consumption, but does not include
16 alternative nicotine products or vapor products;

17 ~~6.~~ 7. "Transaction scan" means the process by which a seller
18 checks, by means of a transaction scan device, the validity of a
19 driver license or other government-issued photo identification; ~~and~~

20 ~~7.~~ 8. "Transaction scan device" means any commercial device or
21 combination of devices used at a point of sale or entry that is
22 capable of deciphering in an electronically readable format the
23 information encoded on the magnetic strip or bar code of a driver
24 license or other government-issued photo identification; and

1 9. "Vapor product" shall mean noncombustible products, that may
2 or may not contain nicotine, that employ a mechanical heating
3 element, battery, electronic circuit, or other mechanism, regardless
4 of shape or size, that can be used to produce a vapor in a solution
5 or other form. "Vapor products" shall include any vapor cartridge
6 or other container with or without nicotine or other form that is
7 intended to be used with an electronic cigarette, electronic cigar,
8 electronic cigarillo, electronic pipe, or similar product or device
9 and any vapor cartridge or other container of a solution, that may
10 or may not contain nicotine that is intended to be used with or in
11 an electronic cigarette, electronic cigar, electronic cigarillo or
12 electronic device. "Vapor products" do not include any products
13 regulated by the United States Food and Drug Administration under
14 Chapter V of the Food, Drug, and Cosmetic Act.

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

17 Section 600.3. A. It is unlawful for any person to sell, give
18 or furnish in any manner any tobacco product, alternative nicotine
19 product or vapor product to another person who is under eighteen
20 (18) years of age, or to purchase in any manner a tobacco product,
21 alternative nicotine product or vapor product on behalf of any such
22 person. It shall not be unlawful for an employee under eighteen
23 (18) years of age to handle tobacco products, alternative nicotine
24

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

3 B. A person engaged in the sale or distribution of tobacco
4 products, alternative nicotine products or vapor products shall
5 demand proof of age from a prospective purchaser or recipient if an
6 ordinary person would conclude on the basis of appearance that the
7 prospective purchaser may be under eighteen (18) years of age.

8 If an individual engaged in the sale or distribution of tobacco
9 products, alternative nicotine products or vapor products has
10 demanded proof of age from a prospective purchaser or recipient who
11 is not under eighteen (18) years of age, the failure to subsequently
12 require proof of age shall not constitute a violation of ~~subsection~~
13 ~~B of this section~~ this subsection.

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

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

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

22 c. not more than Three Hundred Dollars (\$300.00) for a
23 third offense within a two-year period following the
24 first offense. In addition to any other penalty, the

1 store's license to sell tobacco products may be
2 suspended for a period not exceeding thirty (30) days,
3 or

4 d. not more than Three Hundred Dollars (\$300.00) for a
5 fourth or subsequent offense within a two-year period
6 following the first offense. In addition to any other
7 penalty, the store's license to sell tobacco products
8 may be suspended for a period not exceeding sixty (60)
9 days.

10 2. When it has been determined that a penalty shall include a
11 license suspension, the ABLE Commission shall notify the Oklahoma
12 Tax Commission, and the Tax Commission shall suspend the store's
13 license to sell tobacco products at the location where the offense
14 occurred for the period 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, alternative nicotine product or vapor product
23 presented a driver license or other government-issued
24 photo identification purporting to establish that such

1 individual was eighteen (18) years of age or older,
2 and

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

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

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

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

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

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

1 product or vapor product. It shall not be unlawful for an employee
2 under eighteen (18) years of age to handle tobacco products,
3 alternative nicotine products or vapor products when required in the
4 performance of the employee's 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 terms "alternative
5 nicotine product" and "vapor products" shall have the same meanings
6 as provided in the Prevention of Youth 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, alternative nicotine products or vapor products at retail
11 shall post conspicuously and keep so posted at the place of business
12 a sign, as specified by the Alcoholic Beverage Laws Enforcement
13 (ABLE) Commission, stating the following: "IT'S THE LAW. WE DO NOT
14 SELL TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR
15 PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE". The sign shall also
16 provide the toll-free number operated by the Alcoholic Beverage Laws
17 Enforcement (ABLE) Commission for the purpose of reporting
18 violations of the Prevention of Youth Access to Tobacco Act.

19 B. When a person violates subsection A of this section, the
20 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
21 an administrative fine of not more than Fifty Dollars (\$50.00) for
22 each day a violation occurs. Each day a violation is continuing
23 shall constitute a separate offense. The notice required by
24 subsection A of this section shall be the only notice required to be

1 posted or maintained in any store that sells tobacco products,
2 alternative nicotine products or 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, alternative nicotine products or vapor
7 products at retail shall notify each individual employed by that
8 person as a retail sales clerk that state law:

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

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

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

22 "I understand that state law prohibits the sale or distribution of
23 tobacco products, alternative nicotine products or vapor products to
24 persons under eighteen (18) years of age and out-of-package sales,

1 and requires proof of age of purchaser or recipient if an ordinary
2 person would conclude on the basis of appearance that the
3 prospective purchaser or recipient may be under eighteen (18) years
4 of age. I promise, as a condition of my employment, to obey the
5 law. I understand that violations by me may be punishable by fines,
6 suspension or nonissuance of my driver license. In addition, I
7 understand that violations by me may subject the storeowner to fines
8 or license suspension."

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

11 Section 600.7. It shall be unlawful for any person to sell
12 tobacco products, alternative nicotine products or vapor products
13 through a vending machine unless the vending machine is located:

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

23 Section 600.10A. A. It is unlawful for any person or retail
24 store to display or offer for sale tobacco products, alternative

1 nicotine products or vapor products in any manner that allows public
2 access to the tobacco ~~product~~ products, alternative nicotine
3 products or vapor products without assistance from the person
4 displaying the tobacco ~~product~~ products, alternative nicotine
5 products or vapor products or an employee or the owner of the store.
6 The provisions of this subsection shall not apply to retail stores
7 which do not admit into the store persons under eighteen (18) years
8 of age.

9 B. When a person violates subsection A of this section, the
10 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
11 an administrative fine of not more than Two Hundred Dollars
12 (\$200.00) for each offense.

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

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

21 Section 600.11. A. The Alcoholic Beverage Laws Enforcement
22 (ABLE) Commission is authorized and empowered to enforce the
23 provisions of Sections 600.1 et seq. of this title. The ABLE
24 Commission shall enforce those provisions in a manner that can

1 reasonably be expected to reduce the extent to which tobacco
2 products, alternative nicotine products or vapor products are sold
3 or distributed to persons under eighteen (18) years of age.

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

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

14 D. For the purpose of determining second or subsequent
15 violations, both the offenses penalized by the ABLE Commission as
16 administrative fines and the offenses penalized by municipalities
17 and towns and reported to the ABLE Commission, shall be considered
18 together in such determination.

19 E. Persons under eighteen (18) years of age may be enlisted by
20 the ABLE Commission, a municipality or town, or a county to assist
21 in compliance checks and enforcement; provided, such persons may be
22 used to test compliance only if written parental consent has been
23 provided and the testing is conducted under the direct supervision
24 of the ABLE Commission or conducted by another law enforcement

1 agency if such agency has given written notice to the ABLE
2 Commission in the manner prescribed by the ABLE Commission.
3 Municipalities which have enacted municipal ordinances in accordance
4 with the Prevention of Youth Access to Tobacco Act may conduct,
5 pursuant to rules of the ABLE Commission, compliance checks without
6 prior notification to the ABLE Commission and shall be exempt from
7 the written notice requirement in this subsection. This subsection
8 shall not apply to the use of persons under eighteen (18) years of
9 age to test compliance if the compliance test is being conducted by
10 or on behalf of a retailer of cigarettes, as defined in Section 301
11 of Title 68 of the Oklahoma Statutes, at any location the retailer
12 of cigarettes is authorized to sell cigarettes. Any other use of
13 persons under eighteen (18) years of age to test compliance shall be
14 unlawful and punishable by the ABLE Commission by assessment of an
15 administrative fine of One Hundred Dollars (\$100.00).

16 F. At the beginning of each month, the Oklahoma Tax Commission,
17 pursuant to Section 205 of Title 68 of the Oklahoma Statutes, shall
18 provide to the ABLE Commission and to each municipality which has
19 ordinances concerning the Prevention of Youth Access to Tobacco Act,
20 the location, name, and address of each licensee licensed to sell
21 tobacco products, alternative nicotine products or vapor products at
22 retail or otherwise furnish tobacco products, alternative nicotine
23 products or vapor products. Upon violation of an employee at a
24 location, the ABLE Commission shall notify the storeowner for that

1 location of the latest and all previous violations when one of their
2 employees has been determined to be in violation of the Prevention
3 of Youth Access to Tobacco Act by the ABLE Commission or convicted
4 of a violation by a municipality. If the ABLE Commission fails to
5 notify the licensee of a violation by an employee, that violation
6 shall not apply against the licensee for the purpose of determining
7 a license suspension pursuant to Section 600.3 of this title. For
8 purposes of this subsection, notification shall be deemed given if
9 the ABLE Commission mails, by mail with delivery confirmation, the
10 notification to the address which is on file with the Oklahoma Tax
11 Commission of the licensee or sales tax permit holder of the
12 location at which the violation occurred and the ABLE Commission
13 receives delivery confirmation from the U.S. Postal Service.

14 G. Upon request of a storeowner or a municipality which has
15 enacted ordinances in accordance with the Prevention of Youth Access
16 to Tobacco Act, the ABLE Commission is hereby authorized to provide
17 information on any Prevention of Youth Access to Tobacco Act offense
18 of any applicant for employment or employee of the storeowner.

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

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

5 Section 600.13. A. It is unlawful for any person to sell, give
6 or furnish in any manner to another person who is under eighteen
7 (18) years of age any material or device used in the smoking,
8 chewing, or other method of consumption of tobacco products,
9 alternative nicotine products or vapor products, including cigarette
10 papers, pipes, holders of smoking materials of all types, and other
11 items designed primarily for the smoking or ingestion of tobacco
12 products, alternative nicotine products or vapor products.

13 B. When a person violates subsection A of this section, the
14 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
15 an administrative fine of not more than One Hundred Dollars
16 (\$100.00) for each offense.

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

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