

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

## FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1602, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

\_\_\_\_\_  
Senator Johnson (Rob)

Johnson (Rob)-JAM-FS-Req#3521  
3/11/2014 9:31 PM

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1602

By: Johnson (Rob) of the Senate

and

Jackson of the House

6  
7  
8  
9 FLOOR SUBSTITUTE

10 [ tobacco products - furnishing certain products to  
11 minors - alternative nicotine products and vapor  
12 products - effective date ]  
13

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

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

17 Section 1241. Any person who shall furnish to any minor by  
18 gift, sale or otherwise any cigarettes, cigarette papers, cigars,  
19 bidis, snuff, chewing tobacco, vapor products, or any other form of  
20 tobacco product shall be guilty of a misdemeanor and, upon  
21 conviction, shall be punished by a fine in the amount of not less  
22 than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars  
23 (\$200.00) and by imprisonment in the county jail for a term of not  
24 less than ten (10) days nor more than ninety (90) days for each

1 offense. For the purposes of this section, the term "vapor product"  
2 shall have the same meaning as provided in the Prevention of Youth  
3 Access to Tobacco Act.

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

6 Section 1242. Any minor being in possession of cigarettes,  
7 cigarette papers, cigars, snuff, chewing tobacco, vapor products or  
8 any other form of tobacco product and being by any police officer,  
9 constable, juvenile court officer, truant officer, or teacher in any  
10 school, asked where and from whom such cigarettes, cigarette papers,  
11 cigars, snuff, chewing tobacco, vapor products or any other form of  
12 tobacco product were obtained, who shall refuse to furnish such  
13 information, shall be guilty of a misdemeanor and upon conviction  
14 thereof before the district court, or any judge of the district  
15 court, such minor being of the age of sixteen (16) years or upwards  
16 shall be sentenced to pay a fine not exceeding Five Dollars (\$5.00)  
17 or to undergo an imprisonment in the jail of the proper county not  
18 exceeding five (5) days, or both; if such minor shall be under the  
19 age of sixteen (16) years, he or she shall be certified by such  
20 magistrate or justice to the juvenile court of the county for such  
21 action as ~~said~~ the court shall deem proper. For the purposes of  
22 this section, the term "vapor product" shall have the same meaning  
23 as provided in the Prevention of Youth Access to Tobacco Act.

24

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

3 Section 600.2. As used in the Prevention of Youth Access to  
4 Tobacco Act:

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

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

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

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

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

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

23 7. "Transaction scan device" means any commercial device or  
24 combination of devices used at a point of sale or entry that is

1 capable of deciphering in an electronically readable format the  
2 information encoded on the magnetic strip or bar code of a driver  
3 license or other government-issued photo identification; and

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

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

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

1 | eighteen (18) years of age to handle tobacco products or vapor  
2 | products when required in the performance of the employee's duties.

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

8 | If an individual engaged in the sale or distribution of tobacco  
9 | products or vapor products has demanded proof of age from a  
10 | prospective purchaser or recipient who is not under eighteen (18)  
11 | years of age, the failure to subsequently require proof of age shall  
12 | not constitute a violation of ~~subsection B of this section~~ this  
13 | 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 or vapor product presented a driver license or  
23 other government-issued photo identification  
24

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 vapor products shall be deemed  
21          a violation against the owner for purposes of a license suspension  
22          pursuant to subsection C of this section. Each violation by an  
23          employee of a store engaged in the sale of vapor products shall be  
24          deemed a violation against the owner for purposes of a sales tax

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

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

12 H. County sheriffs may enforce the provisions of the Prevention  
13 of Youth Access to Tobacco Act.

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

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

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 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.

24

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 or vapor products to the extent that such regulation is  
14 substantially similar 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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9 54-2-3521 JAM 3/11/2014 9:31:12 PM

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