

1 **SENATE FLOOR VERSION**

2 February 24, 2014

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1602

By: Johnson (Rob) of the Senate

and

Jackson of the House

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7
8
9 [tobacco products - furnishing certain products to
10 minors - alternative nicotine products and vapor
11 products - effective date]
12

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

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

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

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

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1 product" shall have the same meanings as provided in the Prevention
2 of Youth Access to Tobacco Act.

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

5 Section 600.2. As used in the Prevention of Youth Access to
6 Tobacco Act:

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

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

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

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

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

22 "Alternative nicotine products" do not include any vapor product,
23 tobacco products as defined by paragraph 6 of this section or any
24 product regulated as a drug or device by the United States Food and

1 Drug Administration under Chapter V of the Food, Drug and Cosmetic
2 Act;

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

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

9 ~~7.~~ 8. "Transaction scan device" means any commercial device or
10 combination of devices used at a point of sale or entry that is
11 capable of deciphering in an electronically readable format the
12 information encoded on the magnetic strip or bar code of a driver
13 license or other government-issued photo identification; and

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

1 electronic device. "Vapor products" do not include any products
2 regulated by the United States Food and Drug Administration under
3 Chapter V of the Food, Drug, and Cosmetic Act.

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

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

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

20 If an individual engaged in the sale or distribution of tobacco
21 products, alternative nicotine products or vapor products has
22 demanded proof of age from a prospective purchaser or recipient who
23 is not under eighteen (18) years of age, the failure to subsequently
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1 require proof of age shall not constitute a violation of ~~subsection~~
2 ~~B of this section~~ this 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 may be
15 suspended for a period not exceeding thirty (30) days,
16 or

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

23 2. When it has been determined that a penalty shall include a
24 license suspension, the ABLE Commission shall notify the Oklahoma

1 Tax Commission, and the Tax Commission shall suspend the store's
2 license to sell tobacco products at the location where the offense
3 occurred for the period of time prescribed by the ABLE Commission.

4 3. Proof that the defendant demanded, was shown, and reasonably
5 relied upon proof of age shall be a defense to any action brought
6 pursuant to this section. A person cited for violating this section
7 shall be deemed to have reasonably relied upon proof of age, and
8 such person shall not be found guilty of ~~such~~ the violation if such
9 person proves that:

10 a. the individual who purchased or received the tobacco
11 product, alternative nicotine product or vapor product
12 presented a driver license or other government-issued
13 photo identification purporting to establish that such
14 individual was eighteen (18) years of age or older,
15 and

16 b. the person cited for the violation confirmed the
17 validity of the driver license or other government-
18 issued photo identification presented by such
19 individual by performing a transaction scan by means
20 of a transaction scan device.

21 Provided, that this defense shall not relieve from liability any
22 person cited for a violation of this section if ~~such~~ the person
23 failed to exercise reasonable diligence to determine whether the
24 physical description and picture appearing on the driver license or

1 other government-issued photo identification was that of the
2 individual who presented it. The availability of the defense
3 described in this subsection does not affect the availability of any
4 other defense under any other provision of law.

5 D. If the sale is made by an employee of the owner of a store
6 at which tobacco products, alternative nicotine products or vapor
7 products are sold at retail, the employee shall be guilty of the
8 violation and shall be subject to the fine. Each violation by any
9 employee of an owner of a store licensed to sell tobacco products,
10 alternative nicotine products or vapor products shall be deemed a
11 violation against the owner for purposes of a license suspension
12 pursuant to subsection C of this section. Each violation by an
13 employee of a store engaged in the sale of alternative nicotine
14 products or vapor products shall be deemed a violation against the
15 owner for purposes of a sales tax permit suspension pursuant to the
16 provisions of subsection C of this section. An owner of a store
17 licensed to sell tobacco products, alternative nicotine products or
18 vapor products shall not be deemed in violation of the provisions of
19 the Prevention of Youth Access to Tobacco Act for any acts
20 constituting a violation by any person, when the violation occurs
21 prior to actual employment of the person by the store owner or the
22 violation occurs at a location other than the owner's retail store.
23 For purposes of determining the liability of a person controlling
24 franchises or business operations in multiple locations, for any

1 violations of subsection A or B of this section, each individual
2 franchise or business location shall be deemed a separate entity.

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

8 F. 1. Upon failure of the employee to pay the administrative
9 fine within ninety (90) days of the day of the assessment of such
10 fine, the ABLE Commission shall notify the Department of Public
11 Safety, and the Department shall suspend or not issue a driver
12 license to the employee until proof of payment has been furnished to
13 the Department of Public Safety.

14 2. Upon failure of a storeowner to pay the administrative fine
15 within ninety (90) days of the assessment of the fine, the ABLE
16 Commission shall notify the Tax Commission, and the Tax Commission
17 shall suspend the store's license to sell tobacco products or the
18 store's sales tax permit in cases of offenses relating to
19 alternative nicotine products or vapor products until proof of
20 payment has been furnished to the Oklahoma Tax Commission.

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

5 SECTION 5. AMENDATORY 37 O.S. 2011, Section 600.4, as
6 renumbered by Section 28, Chapter 404, O.S.L. 2013 (10A O.S. Supp.
7 2013, Section 2-8-224), is amended to read as follows:

8 Section 2-8-224. A. It is unlawful for a person who is under
9 eighteen (18) years of age to purchase, receive, or have in ~~their~~
10 his or her possession a tobacco product, alternative nicotine
11 product or vapor product, or to present or offer to any person any
12 purported proof of age which is false or fraudulent, for the purpose
13 of purchasing or receiving any tobacco product, alternative nicotine
14 product or vapor product. It shall not be unlawful for an employee
15 under eighteen (18) years of age to handle tobacco products,
16 alternative nicotine products or vapor products when required in the
17 performance of the employee's duties.

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:

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

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

4 Upon failure of the individual to pay the administrative fine
5 within ninety (90) days of the day of the fine, the ABLE Commission
6 shall notify the Department of Public Safety, and the Department
7 shall suspend or not issue a driver license to the individual until
8 proof of payment has been furnished to the Department of Public
9 Safety.

10 C. The ABLE Commission shall establish rules to provide for
11 notification to a parent or guardian of any minor cited for a
12 violation of this section.

13 D. 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 such ordinances
16 shall be the same as provided for in this section, and the
17 enforcement provisions under such ordinances shall not be more
18 stringent than those of this section.

19 E. For the purposes of this section, the terms "alternative
20 nicotine product" and "vapor products" shall have the same meanings
21 as provided in the Prevention of Youth Access to Tobacco Act.

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

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

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

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

21 Section 600.6. A. Every person engaged in the business of
22 selling tobacco products, alternative nicotine products or vapor
23 products at retail shall notify each individual employed by that
24 person as a retail sales clerk that state law:

1 1. Prohibits the sale or distribution of tobacco products,
2 alternative nicotine products or vapor products to any person under
3 eighteen (18) years of age and the purchase or receipt of tobacco
4 products, alternative nicotine products or vapor products by any
5 person under eighteen (18) years of age; and

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

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

14 "I understand that state law prohibits the sale or distribution of
15 tobacco products, alternative nicotine products or vapor products to
16 persons under eighteen (18) years of age and out-of-package sales,
17 and requires proof of age of purchaser or recipient if an ordinary
18 person would conclude on the basis of appearance that the
19 prospective purchaser or recipient may be under eighteen (18) years
20 of age. I promise, as a condition of my employment, to obey the
21 law. I understand that violations by me may be punishable by fines,
22 suspension or nonissuance of my driver license. In addition, I
23 understand that violations by me may subject the storeowner to fines
24 or license suspension."

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

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

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

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

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

12 Section 600.8. A. It shall be unlawful for any person or
13 retailer to distribute tobacco products, alternative nicotine
14 products, vapor products or product samples to any person under
15 eighteen (18) years of age.

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

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

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

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

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

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

13 E. 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 10. AMENDATORY 37 O.S. 2011, Section 600.10, is
20 amended to read as follows:

21 Section 600.10. No agency or other political subdivision of the
22 state, including, but not limited to, municipalities, counties or
23 any agency thereof, may adopt any order, ordinance, rule or
24 regulation concerning the sale, purchase, distribution, advertising,

1 sampling, promotion, display, possession, licensing, or taxation of
2 tobacco products, alternative nicotine products or vapor products,
3 except as provided in Section 1511 of Title 68 of the Oklahoma
4 Statutes, Section 1-1521 et seq. of Title 63 of the Oklahoma
5 Statutes and Section 1247 of Title 21 of the Oklahoma Statutes.
6 Provided, however, nothing in this section shall preclude or preempt
7 any agency or political subdivision from exercising its lawful
8 authority to regulate zoning or land use or to enforce a fire code
9 regulation regulating smoking or tobacco products, alternative
10 nicotine products or vapor products to the extent that such
11 regulation is substantially similar to nationally recognized
12 standard fire codes.

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

15 Section 600.10A. A. It is unlawful for any person or retail
16 store to display or offer for sale tobacco products, alternative
17 nicotine products or vapor products in any manner that allows public
18 access to the tobacco ~~product~~ products, alternative nicotine
19 products or vapor products without assistance from the person
20 displaying the tobacco ~~product~~ products, alternative nicotine
21 products or vapor products or an employee or the owner of the store.
22 The provisions of this subsection shall not apply to retail stores
23 which do not admit into the store persons under eighteen (18) years
24 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, alternative nicotine products or vapor products are sold
19 or distributed to persons under 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, alternative nicotine products or vapor products at
14 retail or otherwise furnish tobacco products, alternative nicotine
15 products or vapor products. Upon violation of an employee at a
16 location, the ABLE Commission shall notify the storeowner for that
17 location of the latest and all previous violations when one of their
18 employees has been determined to be in violation of the Prevention
19 of Youth Access to Tobacco Act by the ABLE Commission or convicted
20 of a violation by a municipality. If the ABLE Commission fails to
21 notify the licensee of a violation by an employee, that violation
22 shall not apply against the licensee for the purpose of determining
23 a license suspension pursuant to Section 600.3 of this title. For
24 purposes of this subsection, notification shall be deemed given if

1 the ABLE Commission mails, by mail with delivery confirmation, the
2 notification to the address which is on file with the Oklahoma Tax
3 Commission of the licensee or sales tax permit holder of the
4 location at which the violation occurred and the ABLE Commission
5 receives delivery confirmation from the U.S. Postal 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,
24 alternative nicotine products or vapor products, including cigarette

1 papers, pipes, holders of smoking materials of all types, and other
2 items designed primarily for the smoking or ingestion of tobacco
3 products, alternative nicotine products or vapor products.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 February 24, 2014 - DO PASS AS AMENDED

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