

1 ENGROSSED SENATE
2 BILL NO. 33

By: Dossett and Bullard of the
Senate

3 and

4 Vancuren of the House

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6
7 An Act relating to schools; amending Section 2,
8 Chapter 259, O.S.L. 2015 (70 O.S. Supp. 2018, Section
9 1210.212), which relates to definitions under the
10 24/7 Tobacco-free Schools Act; adding a definition of
11 vapor product; amending Section 3, Chapter 259,
12 O.S.L. 2015 (70 O.S. Supp. 2018, Section 1210.213),
which relates to the prohibition on certain tobacco
products on certain education property; prohibiting
the use of vapor products on certain education
property; providing an effective date; and declaring
an emergency.

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

16 SECTION 1. AMENDATORY Section 2, Chapter 259, O.S.L.
17 2015 (70 O.S. Supp. 2018, Section 1210.212), is amended to read as
18 follows:

19 Section 1210.212. As used in the 24/7 Tobacco-free Schools Act:

20 1. "Chewing tobacco" means any Cavendish, twist, plug, scrap,
21 and any other kinds and forms of tobacco suitable for chewing;

22 2. "Educational facility" shall mean any property, building,
23 permanent structure, facility, auditorium, stadium, arena or
24 recreational facility owned, leased or under the control of a public

1 school district or private school located in the state. For
2 purposes of this act, a public school district shall not include a
3 technology center school district;

4 3. "School vehicle" means any transportation equipment or
5 auxiliary transportation equipment as defined in Section 9-104 of
6 Title 70 of the Oklahoma Statutes;

7 4. "Smoking tobacco" shall mean any granulated, plug cut, crimp
8 cut, ready rubbed, and any other kinds and forms of tobacco suitable
9 for smoking in a pipe or cigarette; ~~and~~

10 5. "Tobacco product" shall mean any bidis, cigars, cheroots,
11 stogies, smoking tobacco and chewing tobacco, however prepared.
12 Tobacco products shall include any other articles or products made
13 of tobacco or any substitute thereof; and

14 6. "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 2. AMENDATORY Section 3, Chapter 259, O.S.L.
5 2015 (70 O.S. Supp. 2018, Section 1210.213), is amended to read as
6 follows:

7 Section 1210.213. A. The use of a tobacco product or vapor
8 product shall be prohibited in or on an educational facility that
9 offers an early childhood education program or in which children in
10 grades kindergarten through twelve are educated. The use of a
11 tobacco product or vapor product shall also be prohibited in school
12 vehicles, and at any school-sponsored or school-sanctioned event or
13 activity.

14 B. Nothing in this section shall be construed to prohibit a
15 public school district or private school from having more
16 restrictive policies regarding tobacco products and vapor products
17 in or on an educational facility, in school vehicles and at any
18 school-sponsored or school-sanctioned event or activity.

19 SECTION 3. This act shall become effective July 1, 2019.

20 SECTION 4. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.
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1 Passed the Senate the 14th day of February, 2019.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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9 Presiding Officer of the House
10 of Representatives