

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 33

 By: Dossett and Bullard of the
 Senate

6 and

7 Vancuren of the House

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9
10 An Act relating to schools; amending Section 2,
11 Chapter 259, O.S.L. 2015 (70 O.S. Supp. 2018, Section
12 1210.212), which relates to definitions under the
13 24/7 Tobacco-free Schools Act; adding a definition of
14 vapor product; amending Section 3, Chapter 259,
15 O.S.L. 2015 (70 O.S. Supp. 2018, Section 1210.213),
16 which relates to the prohibition on certain tobacco
17 products on certain education property; prohibiting
18 the use of vapor products on certain education
19 property; providing an effective date; and declaring
20 an emergency.

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

22 SECTION 1. AMENDATORY Section 2, Chapter 259, O.S.L.
23 2015 (70 O.S. Supp. 2018, Section 1210.212), is amended to read as
24 follows:

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

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

1 2. "Educational facility" shall mean any property, building,
2 permanent structure, facility, auditorium, stadium, arena or
3 recreational facility owned, leased or under the control of a public
4 school district or private school located in the state. For
5 purposes of this act, a public school district shall not include a
6 technology center school district;

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

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

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

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

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

7 SECTION 2. AMENDATORY Section 3, Chapter 259, O.S.L.
8 2015 (70 O.S. Supp. 2018, Section 1210.213), is amended to read as
9 follows:

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

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

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

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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4 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 03/27/2019
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