

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

February 5, 2019

By: Dossett

An Act relating to schools; amending Section 2, Chapter 259, O.S.L. 2015 (70 O.S. Supp. 2018, Section 1210.212), which relates to definitions under the 24/7 Tobacco-free Schools Act; adding a definition of vapor product; amending Section 3, Chapter 259, 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.

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

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

2. "Educational facility" shall mean any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school located in the state. For

1 purposes of this act, a public school district shall not include a
2 technology center school district;

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

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

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

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

1 regulated by the United States Food and Drug Administration under
2 Chapter V of the Food, Drug and Cosmetic Act.

3 SECTION 2. AMENDATORY Section 3, Chapter 259, O.S.L.
4 2015 (70 O.S. Supp. 2018, Section 1210.213), is amended to read as
5 follows:

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
24 February 5, 2019 - DO PASS