

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1675

By: Dossett

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5  
6 AS INTRODUCED

7 An Act relating to tobacco; prohibiting the sale or  
8 gift of flavored tobacco products used for vaping on  
9 certain date; defining terms; setting penalty;  
10 providing for codification; and providing an  
11 effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1-229.9 of Title 63, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. Beginning on November 1, 2020, it shall be unlawful for any  
17 person, manufacturer or business to sell or give any flavored  
18 tobacco product used for vaping or in an electronic cigarette or  
19 similar device to another person in this state.

20 B. For purposes of this section:

21 1. "Flavored tobacco product" means any tobacco or tobacco-  
22 related product that imparts a characterizing flavor. As used in  
23 this definition, the term "characterizing flavor" means a  
24 distinguishable taste or aroma, other than the taste or aroma of

1 tobacco, imparted either prior to or during consumption of a tobacco  
2 product including, but not limited to, tastes of menthol, mint,  
3 wintergreen, chocolate, vanilla, honey, cocoa, any candy, any  
4 dessert, any alcoholic beverage, any fruit, any herb, or any spice.  
5 No tobacco product shall be determined to have a characterizing  
6 flavor solely because of the use of additives or flavorings or the  
7 provision of ingredient information. A public statement or claim  
8 made or disseminated by the manufacturer of a tobacco product, or by  
9 any person authorized or permitted by the manufacturer to make or  
10 disseminate such statement or claim, that a tobacco product has or  
11 produced a characterizing flavor shall establish that the tobacco  
12 product is a flavored tobacco product;

13 2. "Vaping" means the action or practice of inhaling and  
14 exhaling the vapor produced by an electronic cigarette or similar  
15 device; and

16 3. "Electronic cigarette" means a cigarette-shaped device  
17 containing a liquid base, whether nicotine or non-nicotine, that is  
18 vaporized and inhaled and used to simulate the experience of smoking  
19 tobacco.

20 C. Any person violating the provisions of subsection A of this  
21 section shall be subject to a penalty in the amount of Five Thousand  
22 Dollars (\$5,000.00).

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 1243.1 of Title 21, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Beginning on November 1, 2020, it shall be unlawful for any  
5 person, manufacturer or business to sell or give any flavored  
6 tobacco product used for vaping or in an electronic cigarette or  
7 similar device to another person in this state.

8 B. For purposes of this section.

9 1. "Flavored tobacco product" means any tobacco or tobacco-  
10 related product that imparts a characterizing flavor. As used in  
11 this definition, the term "characterizing flavor" means a  
12 distinguishable taste or aroma, other than the taste or aroma of  
13 tobacco, imparted either prior to or during consumption of a tobacco  
14 product including, but not limited to, tastes of menthol, mint,  
15 wintergreen, chocolate, vanilla, honey, cocoa, any candy, any  
16 dessert, any alcoholic beverage, any fruit, any herb, or any spice.  
17 No tobacco product shall be determined to have a characterizing  
18 flavor solely because of the use of additives or flavorings or the  
19 provision of ingredient information. A public statement or claim  
20 made or disseminated by the manufacturer of a tobacco product, or by  
21 any person authorized or permitted by the manufacturer to make or  
22 disseminate such statement or claim, that a tobacco product has or  
23 produced a characterizing flavor shall establish that the tobacco  
24 product is a flavored tobacco product;

1           2. "Vaping" means the action or practice of inhaling and  
2 exhaling the vapor produced by an electronic cigarette or similar  
3 device; and

4           3. "Electronic cigarette" means a cigarette-shaped device  
5 containing a liquid base, whether nicotine or non-nicotine, that is  
6 vaporized and inhaled and used to simulate the experience of smoking  
7 tobacco.

8           C. Any person violating the provisions of subsection A of this  
9 section shall be subject to a penalty in the amount of Five Thousand  
10 Dollars (\$5,000.00).

11           SECTION 3. This act shall become effective November 1, 2020.

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