

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1675

By: Dossett

AS INTRODUCED

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

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

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

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

B. For purposes of this section:

1. "Flavored tobacco product" means any tobacco or tobacco-related product that imparts a characterizing flavor. As used in this definition, the term "characterizing flavor" means a 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).

SECTION 2. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 1243.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

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

B. For purposes of this section.

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