

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 2511

By: Kannady

COMMITTEE SUBSTITUTE

An Act relating to tobacco and vapor products;  
requiring vapor product manufacturers to make a  
certain attestation to the Alcoholic Beverage Laws  
Enforcement Commission; providing for contents of the  
attestation; requiring notification of material  
changes to the attestation; requiring the ABLE  
Commission to develop, publish, and maintain a  
certain directory; prohibiting certain acts;  
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 1-229.35 of Title 63, unless  
there is created a duplication in numbering, reads as follows:

A. Beginning July 1, 2022, every manufacturer of a vapor  
product that is sold or intended to be sold in this state, whether  
directly or through a distributor, retailer, or similar intermediary  
or intermediaries, shall execute and deliver an attestation under  
penalty of perjury to the Oklahoma Alcoholic Beverage Laws

1 Enforcement (ABLE) Commission certifying that, as of the date of  
2 such attestation:

3 1. The vapor product was available for purchase in the United  
4 States as of August 8, 2016, and the manufacturer has applied for a  
5 marketing order for the vapor product by submitting a Premarket  
6 Tobacco Product Application on or before September 9, 2020, to the  
7 United States Food and Drug Administration (FDA); or

8 2. The manufacturer has received a marketing order or other  
9 authorization for the vapor product from the FDA pursuant to Section  
10 387j of Title 21 of the United States Code.

11 B. The manufacturer shall notify the ABLE Commission within  
12 thirty (30) days of any material change to the attestation,  
13 including whether the FDA has issued or not issued a market order or  
14 other authorization or has ordered the manufacturer to remove the  
15 vapor product, either temporarily or permanently, from the United  
16 States market.

17 C. The ABLE Commission shall develop a directory listing all of  
18 the manufacturers that have provided attestations that comply with  
19 subsection A of this section and all vapor products that are listed  
20 in such attestations. The ABLE Commission shall:

21 1. Make the directory available for public inspection on its  
22 website on or before October 1, 2022; and  
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1        2. Update the directory as necessary to correct mistakes and to  
2 add or remove manufacturers or vapor products to maintain the  
3 directory in conformity with the requirements of this section.

4        D. It shall be unlawful for any person, directly or indirectly,  
5 to knowingly manufacture, distribute, sell, barter, or furnish in  
6 this state any vapor product that is not included in the directory.

7        SECTION 2. This act shall become effective November 1, 2021.

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