

1 ENGROSSED HOUSE
2 BILL NO. 2511

By: Kannady of the House

3 and

4 Howard of the Senate
5

6 An Act relating to tobacco and vapor products;
7 requiring vapor product manufacturers to make a
8 certain attestation to the Alcoholic Beverage Laws
9 Enforcement Commission; providing for contents of the
10 attestation; requiring notification of material
11 changes to the attestation; requiring the ABLE
12 Commission to develop, publish, and maintain a
13 certain directory; prohibiting certain acts;
14 providing for codification; and providing an
15 effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-229.35 of Title 63, unless
19 there is created a duplication in numbering, reads as follows:

20 A. Beginning July 1, 2022, every manufacturer of a vapor
21 product that is sold or intended to be sold in this state, whether
22 directly or through a distributor, retailer, or similar intermediary
23 or intermediaries, shall execute and deliver an attestation under
24 penalty of perjury to the Oklahoma Alcoholic Beverage Laws
Enforcement (ABLE) Commission certifying that, as of the date of
such attestation:

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

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

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

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

19 1. Make the directory available for public inspection on its
20 website on or before October 1, 2022; and

21 2. Update the directory as necessary to correct mistakes and to
22 add or remove manufacturers or vapor products to maintain the
23 directory in conformity with the requirements of this section.
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1 D. It shall be unlawful for any person, directly or indirectly,
2 to knowingly manufacture, distribute, sell, barter, or furnish in
3 this state any vapor product that is not included in the directory.

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

5 Passed the House of Representatives the 11th day of March, 2021.

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8 Presiding Officer of the House
of Representatives

9 Passed the Senate the ____ day of _____, 2021.

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12 Presiding Officer of the Senate