

An Act

ENROLLED HOUSE
BILL NO. 2511

By: Kannady of the House

and

Howard of the Senate

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.

SUBJECT: Tobacco and vapor products

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

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

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

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

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

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

2. Update the directory as necessary to correct mistakes and to add or remove manufacturers or vapor products to maintain the directory in conformity with the requirements of this section.

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

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

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

Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____