

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2511

By: Kannady of the House

and

7 **Howard** of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-229.35 of Title 63, unless
24 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

1 or intermediaries, shall execute and deliver an attestation under
2 penalty of perjury to the Oklahoma Alcoholic Beverage Laws
3 Enforcement (ABLE) Commission certifying that, as of the date of
4 such attestation:

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

10 2. The manufacturer has received a marketing order or other
11 authorization for the vapor product from the FDA pursuant to Section
12 387j of Title 21 of the United States Code.

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

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

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

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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9 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED
10 SUBSTANCES, dated 03/01/2021 - DO PASS, As Amended and Coauthored.
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