

1 **SENATE FLOOR VERSION**

2 April 5, 2021

3 ENGROSSED HOUSE
4 BILL NO. 2511

By: Kannady of the House

5 and

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

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

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

23 A. Beginning July 1, 2022, every manufacturer of a vapor
24 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 including
13 whether the FDA has issued or not issued a market order or other
14 authorization or has ordered the manufacturer to remove the vapor
15 product, either temporarily or permanently, from the United States
16 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.

8 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
9 April 5, 2021 - DO PASS
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