

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3314 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Cynthia Roe

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3314

By: Roe

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to tobacco; amending 10A O.S. 2021,
9 Section 2-8-224, which relates to the purchase,
10 receipt, or possession of tobacco or vapor products
11 by those under twenty-one years of age; amending
12 penalties; removing restrictions on local ordinances;
13 amending 63 O.S. 2021, Section 1.229.12, which
14 relates to the Prevention of Youth Access to Tobacco
15 Act; defining terms; amending 63 O.S. 2021, Section
16 1-229.13, which relates to furnishing tobacco or
17 vapor products to persons under twenty-one years of
18 age; updating age reference; modifying penalties;
19 amending 63 O.S. 2021, Section 1-229.15, which
20 relates to signage; updating reference; amending 63
21 O.S. 2021, Section 1-229.16, which relates to notice
22 to retail employees; updating age references;
23 requiring tobacco retail employees to review certain
24 training; amending 63 O.S. 2021, Section 1-229.18,
which relates to distribution of tobacco or vapor
products and samples; updating terminology; modifying
penalties; removing preemption; amending 63 O.S.
2021, Section 1-229.21, which relates to display or
sale of tobacco or vapor products; updating
terminology; modifying penalties; removing
preemption; amending 63 O.S. 2021, Section 1-229.22,
which relates to enforcement by the ABLE Commission;
requiring certain compliance checks; amending 63 O.S.
2021, Section 1-229.26, which relates to the transfer
of certain tobacco or vapor products to persons under
twenty-one years of age; updating terminology;
amending 68 O.S. 2021, Section 304, which relates to
licenses and fees; increasing certain fees and
penalties; modifying duration of license; providing
for deposit of revenue; creating the Youth Access to

1 Tobacco Compliance Revolving Fund; providing for
2 deposit, appropriation, budgeting and expenditure of
3 certain monies; amending 68 O.S. 2021, Section 401,
4 which relates to definitions; defining terms;
5 amending 68 O.S. 2021, Section 415, which relates to
6 licenses; increasing certain fees and penalties;
7 modifying duration of license; requiring deposit of
8 certain monies in the Youth Access to Tobacco
9 Compliance Revolving Fund; providing for
10 codification; and providing an effective date.

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

12 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-8-224, is
13 amended to read as follows:

14 Section 2-8-224. A. It is unlawful for a person who is under
15 twenty-one (21) years of age to purchase, receive, or have in his or
16 her possession a tobacco product, nicotine product or vapor product,
17 or to present or offer to any person any purported proof of age
18 which is false or fraudulent, for the purpose of purchasing or
19 receiving any tobacco product, nicotine product or vapor product.

20 It shall not be unlawful for an employee under twenty-one (21) years
21 of age to handle tobacco products, nicotine products or vapor
22 products when required in the performance of the employee's duties.

23 B. When a person violates subsection A of this section, the
24 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall ~~impose~~
~~an administrative fine~~ require the violator to select one of the
following penalties:

1 ~~1. Not to exceed One Hundred Dollars (\$100.00) for a first~~
2 ~~offense; and~~

3 ~~2. Not to exceed Two Hundred Dollars (\$200.00) for a second or~~
4 ~~subsequent offense within a one-year period following the first~~
5 ~~offense.~~

6 ~~Upon failure of the individual to pay the administrative fine~~
7 ~~within ninety (90) days of the day of the fine, the ABLE Commission~~
8 ~~shall notify the Department of Public Safety, and the Department~~
9 ~~shall suspend or not issue a driver license to the individual until~~
10 ~~proof of payment has been furnished to the Department of Public~~
11 ~~Safety.~~

12 1. A minimum of ten (10) hours of community service; or

13 2. Completion of an education or tobacco use cessation program
14 approved by the State Department of Health.

15 C. The ABLE Commission shall establish rules to provide for
16 notification to a parent or guardian of any minor cited for a
17 violation of this section.

18 D. Cities and towns may enact and municipal police officers may
19 enforce ordinances prohibiting and penalizing conduct under
20 provisions of this section, ~~but the provisions of such ordinances~~
21 ~~shall be the same as provided for in this section, and the~~
22 ~~enforcement provisions under such ordinances shall not be more~~
23 ~~stringent than those of this section.~~

24

1 E. For the purposes of this section, the term "vapor products"
2 shall have the same meaning as provided in the Prevention of Youth
3 Access to Tobacco Act.

4 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-229.12, is
5 amended to read as follows:

6 Section 1-229.12 As used in the Prevention of Youth Access to
7 Tobacco Act:

8 1. "Nicotine product" means any product that contains nicotine
9 extracted or isolated from plants, vegetables, fruit, herbs, weeds,
10 genetically modified organic matter, or that is synthetic in origin
11 and is intended for human consumption; provided, however, this term
12 shall not include products approved by the United States Food and
13 Drug Administration for smoking cessation;

14 2. "Person" means any individual, firm, fiduciary, partnership,
15 corporation, trust, or association, however formed;

16 3. "Proof of age" means a driver license, license for
17 identification only, or other generally accepted means of
18 identification that describes the individual as twenty-one (21)
19 years of age or older and contains a photograph or other likeness of
20 the individual and appears on its face to be valid;

21 4. "Sample" means a tobacco product, nicotine product or vapor
22 product distributed to members of the public at no cost for the
23 purpose of promoting the product;

24

1 5. "Sampling" means the distribution of samples to members of
2 the public in a public place;

3 6. "Tobacco product" means any product ~~that contains tobacco~~
4 and containing, made of, or derived from tobacco or nicotine that is
5 intended for human consumption or is likely to be consumed, whether
6 inhaled, absorbed, or ingested by any other means, including, but
7 not limited to, cigarettes, cigars, pipe tobacco, chewing tobacco,
8 snuff or snus. Tobacco product also means any vapor product, any
9 substance that may be aerosolized or vaporized by a device, whether
10 or not the substance contains nicotine, and any component, part or
11 accessory to such a product or device, including, but not limited
12 to, filters, rolling papers, blunt or hemp wraps, and pipes.
13 Tobacco product shall not mean drugs, devices or combination
14 products authorized for sale by the United States Food and Drug
15 Administration;

16 7. "Tobacco retail establishment" means any place of business
17 where tobacco products are available for sale to the general public,
18 including, but not limited to, grocery stores, tobacco product
19 shops, kiosks, convenience stores, gasoline service stations, bars
20 and restaurants;

21 8. "Tobacco retailer" means any person, partnership, joint
22 venture, society, club, trustee, trust, association, organization or
23 corporation that owns, operates or manages any tobacco retail
24

1 establishment. Tobacco retailer does not mean the nonmanagement
2 employees of any tobacco retail establishment;

3 ~~7.~~ 9. "Transaction scan" means the process by which a seller
4 checks, by means of a transaction scan device, the validity of a
5 driver license or other government-issued photo identification;

6 ~~8.~~ 10. "Transaction scan device" means any commercial device or
7 combination of devices used at a point of sale or entry that is
8 capable of deciphering in an electronically readable format the
9 information encoded on the magnetic strip or bar code of a driver
10 license or other government-issued photo identification; and

11 ~~9.~~ 11. "Vapor product" ~~shall mean~~ means any noncombustible
12 ~~products~~ product, that may or may not contain nicotine, that ~~employ~~
13 employs a mechanical heating element, battery, electronic circuit,
14 or other mechanism, regardless of shape or size, that can be used to
15 produce a vapor or aerosol in a solution or other form. "Vapor
16 ~~products"~~ product shall include any vapor cartridge or other
17 container with or without nicotine or other form of tobacco that is
18 intended to be used with an electronic cigarette, electronic cigar,
19 electronic cigarillo, electronic pipe, or similar product or device
20 and any vapor cartridge or other container of a solution, that may
21 or may not contain nicotine, that is intended to be used with or in
22 an electronic cigarette, electronic cigar, electronic cigarillo or
23 electronic device. "Vapor ~~products"~~ product does not include any
24

1 products regulated by the United States Food and Drug Administration
2 under Chapter V of the Food, Drug, and Cosmetic Act.

3 SECTION 3. AMENDATORY 63 O.S. 2021, Section 1-229.13, is
4 amended to read as follows:

5 Section 1-229.13 A. It is unlawful for any person or tobacco
6 retailer to sell, give or furnish in any manner any tobacco product,
7 nicotine product or vapor product to another person who is under
8 twenty-one (21) years of age, or to purchase in any manner a tobacco
9 product, nicotine product or vapor product on behalf of any such
10 person. It shall not be unlawful for an employee under twenty-one
11 (21) years of age to handle tobacco products, nicotine products or
12 vapor products when required in the performance of the employee's
13 duties.

14 B. A person or tobacco retailer engaged in the sale or
15 distribution of tobacco products, nicotine products or vapor
16 products shall demand proof of age from a prospective purchaser or
17 recipient if an ordinary person would conclude on the basis of
18 appearance that the prospective purchaser may be under ~~twenty-one~~
19 ~~(21)~~ thirty (30) years of age.

20 If ~~an individual~~ a person or tobacco retailer engaged in the
21 sale or distribution of tobacco products, nicotine products or vapor
22 products has demanded proof of age from a prospective purchaser or
23 recipient who is not under twenty-one (21) years of age, the failure
24

1 to subsequently require proof of age shall not constitute a
2 violation of this subsection.

3 C. 1. When a ~~person~~ tobacco retailer violates subsection A or
4 B of this section, the Alcoholic Beverage Laws Enforcement (ABLE)
5 Commission shall impose an administrative fine of:

6 a. not ~~more~~ less than ~~One Hundred Dollars (\$100.00)~~ Five
7 Hundred Dollars (\$500.00) for the first offense,

8 b. not ~~more~~ less than ~~Two Hundred Dollars (\$200.00)~~ Seven
9 Hundred Fifty Dollars (\$750.00) for the second offense
10 within a ~~two-year~~ three-year period following the
11 first offense. In addition to the fine imposed by
12 this subparagraph, the tobacco retail establishment's
13 tobacco retail license shall be suspended for a period
14 of not less than seven (7) days,

15 c. not ~~more~~ less than ~~Three Hundred Dollars (\$300.00)~~ One
16 Thousand Dollars (\$1,000.00) for a third offense
17 within a ~~two-year~~ three-year period following the
18 first offense. In addition to ~~any other penalty~~ the
19 fine imposed by this subparagraph, the store's license
20 to sell tobacco products or nicotine products or the
21 store's sales tax permit for a store that is
22 predominantly engaged in the sale of vapor products in
23 which the sale of other products is merely incidental
24 may be suspended for a period not exceeding thirty

1 ~~(30) days~~ tobacco retail establishment's tobacco
2 retail license shall be revoked for a period of one
3 (1) year, or

4 d. not more than Three Hundred Dollars (\$300.00) for a
5 fourth or subsequent offense within a two-year period
6 following the first offense. In addition to any other
7 penalty, the store's license to sell tobacco products
8 or nicotine products or the store's sales tax permit
9 for a store that is predominantly engaged in the sale
10 of vapor products in which the sale of other products
11 is merely incidental may be suspended for a period not
12 exceeding sixty (60) days.

13 2. When it has been determined that a penalty shall include a
14 license or permit suspension, the ABLE Commission shall notify the
15 Oklahoma Tax Commission, and the Oklahoma Tax Commission shall
16 suspend the ~~store's~~ tobacco retail establishment's license to sell
17 tobacco products or nicotine products ~~or the store's sales tax~~
18 ~~permit for a store that is predominantly engaged in the sale of~~
19 ~~vapor products in which the sale of other products is merely~~
20 ~~incidental~~ at the location where the offense occurred for the period
21 of time prescribed by the ABLE Commission.

22 3. Proof that the defendant demanded, was shown, and reasonably
23 relied upon proof of age shall be a defense to any action brought
24 pursuant to this section. A person cited for violating this section

1 shall be deemed to have reasonably relied upon proof of age, and
2 such ~~person~~ tobacco retailer shall not be found guilty of the
3 violation if such person proves that:

4 a. the individual who purchased or received the tobacco
5 product, nicotine product or vapor product presented a
6 driver license or other government-issued photo
7 identification purporting to establish that such
8 individual was twenty-one (21) years of age or older,
9 or

10 b. the ~~person~~ tobacco retailer cited for the violation
11 confirmed the validity of the driver license or other
12 government-issued photo identification presented by
13 such individual by performing a transaction scan by
14 means of a transaction scan device.

15 Provided, that this defense shall not relieve from liability any
16 ~~person~~ tobacco retailer cited for a violation of this section if the
17 ~~person~~ tobacco retailer failed to exercise reasonable diligence to
18 determine whether the physical description and picture appearing on
19 the driver license or other government-issued photo identification
20 was that of the individual who presented it. The availability of
21 the defense described in this subsection does not affect the
22 availability of any other defense under any other provision of law.

23 ~~D. If the sale is made by an employee of the owner of a store~~
24 ~~at which tobacco products, nicotine products or vapor products are~~

1 ~~sold at retail, the employee shall be guilty of the violation and~~
2 ~~shall be subject to the fine. Each violation by any employee of an~~
3 ~~owner of a store licensed to sell tobacco products or nicotine~~
4 ~~products or permitted to sell vapor products shall be deemed a~~
5 ~~violation against the owner for purposes of a license suspension~~
6 ~~pursuant to subsection C of this section. Each violation by an~~
7 ~~employee of a store predominantly engaged in the sale of vapor~~
8 ~~products in which the sale of other products is merely incidental~~
9 ~~shall be deemed a violation against the owner for purposes of a~~
10 ~~sales tax permit suspension pursuant to the provisions of subsection~~
11 ~~C of this section. An owner of a store tobacco retail establishment~~
12 ~~licensed to sell tobacco products or nicotine products or permitted~~
13 ~~to sell vapor products shall not be deemed in violation of the~~
14 ~~provisions of the Prevention of Youth Access to Tobacco Act for any~~
15 ~~acts constituting a violation by any person, when the violation~~
16 ~~occurs prior to actual employment of the person by the ~~storeowner~~~~
17 ~~tobacco retailer or the violation occurs at a location other than~~
18 ~~the ~~owner's retail store~~ tobacco retailer's establishment. For~~
19 ~~purposes of determining the liability of a person controlling~~
20 ~~franchises or business operations in multiple locations, for any~~
21 ~~violations of subsection A or B of this section, each individual~~
22 ~~franchise or business location shall be deemed a separate entity.~~
23 E. On or before December 15, 1997, the ABLE Commission shall
24 adopt rules establishing a method of notification of ~~storeowners~~

1 tobacco retailers when an employee of such ~~storeowner~~ tobacco
2 retailer has been determined to be in violation of this section by
3 the ABLE Commission or convicted of a violation by a municipality.

4 F. 1. ~~Upon failure of the employee to pay the administrative~~
5 ~~fine within ninety (90) days of the day of the assessment of such~~
6 ~~fine, the ABLE Commission shall notify the Department of Public~~
7 ~~Safety, and the Department shall suspend or not issue a driver~~
8 ~~license to the employee until proof of payment has been furnished to~~
9 ~~the Department of Public Safety.~~

10 2. Upon failure of a ~~storeowner~~ tobacco retailer to pay the
11 administrative fine within ninety (90) days of the assessment of the
12 fine, the ABLE Commission shall notify the Oklahoma Tax Commission,
13 and the Oklahoma Tax Commission shall suspend the ~~store's~~ tobacco
14 retail establishment's license to sell tobacco products ~~or nicotine~~
15 ~~products or the store's sales tax permit for a store that is~~
16 ~~predominantly engaged in the sale of vapor products in which the~~
17 ~~sale of other products is merely incidental~~ until proof of payment
18 has been furnished to the Oklahoma Tax Commission.

19 G. Cities and towns may enact and municipal police officers may
20 enforce ordinances prohibiting and penalizing conduct under
21 provisions of this section, ~~but the provisions of municipal~~
22 ~~ordinances shall be the same as provided for in this section, and~~
23 ~~the penalty provisions under such ordinances shall not be more~~
24 ~~stringent than those of this section.~~

1 H. County sheriffs may enforce the provisions of the Prevention
2 of Youth Access to Tobacco Act.

3 SECTION 4. AMENDATORY 63 O.S. 2021, Section 1-229.15, is
4 amended to read as follows:

5 Section 1-229.15 A. Every ~~person~~ tobacco retailer who sells or
6 displays tobacco products, nicotine products or vapor products at
7 retail shall post conspicuously and keep so posted at the place of
8 business a sign, as specified by the Alcoholic Beverage Laws
9 Enforcement (ABLE) Commission, stating the following: "IT'S THE LAW.
10 WE DO NOT SELL TOBACCO PRODUCTS, NICOTINE PRODUCTS OR VAPOR PRODUCTS
11 TO PERSONS UNDER 21 YEARS OF AGE." The sign shall also provide the
12 toll-free number operated by the ~~Alcoholic Beverage Laws Enforcement~~
13 ~~(ABLE)~~ ABLE Commission for the purpose of reporting violations of
14 the Prevention of Youth Access to Tobacco Act.

15 B. When a ~~person~~ tobacco retailer violates subsection A of this
16 section, the ~~Alcoholic Beverage Laws Enforcement (ABLE)~~ ABLE
17 Commission shall impose an administrative fine of not more than
18 Fifty Dollars (\$50.00) for each day a violation occurs. Each day a
19 violation is continuing shall constitute a separate offense. The
20 notice required by subsection A of this section shall be the only
21 notice required to be posted or maintained in any store that sells
22 tobacco products, nicotine products or vapor products at retail.

23 SECTION 5. AMENDATORY 63 O.S. 2021, Section 1-229.16, is
24 amended to read as follows:

1 Section 1-229.16 A. Every ~~person engaged in the business of~~
2 ~~selling tobacco products, nicotine products or vapor products at~~
3 ~~retail~~ tobacco retailer shall require each individual employed by
4 that tobacco retailer as a retail sales clerk to review the
5 Alcoholic Beverage Law Enforcement Commission's approved tobacco
6 retailer training and shall notify each individual employed by that
7 ~~person~~ tobacco retailer as a retail sales clerk that state law:

8 1. Prohibits the sale or distribution of tobacco products,
9 nicotine products or vapor products to any person under twenty-one
10 (21) years of age and the purchase or receipt of tobacco products,
11 nicotine products or vapor products by any person under twenty-one
12 (21) years of age; and

13 2. Requires that proof of age be demanded from a prospective
14 purchaser or recipient if an ordinary person would conclude on the
15 basis of appearance that the prospective purchaser or recipient may
16 be under ~~twenty-one (21)~~ thirty (30) years of age.

17 B. This notice shall be provided before the individual
18 commences work as a retail sales clerk. The individual shall
19 signify that he or she has received the notice required by this
20 section by signing a form stating as follows:

21 "I understand that state law prohibits the sale or distribution of
22 tobacco products, nicotine products or vapor products to persons
23 under twenty-one (21) years of age and out-of-package sales, and
24 requires proof of age of purchaser or recipient if an ordinary

1 person would conclude on the basis of appearance that the
2 prospective purchaser or recipient may be under ~~twenty-one (21)~~
3 thirty (30) years of age. I promise, as a condition of my
4 employment, to obey the law. I understand that violations by me may
5 be punishable by fines, suspension or nonissuance of my driver
6 license. In addition, I understand that violations by me may
7 subject the storeowner to fines or license or permit suspension".

8 SECTION 6. AMENDATORY 63 O.S. 2021, Section 1-229.18, is
9 amended to read as follows:

10 Section 1-229.18 A. It shall be unlawful for any person or
11 tobacco retailer to distribute tobacco products, nicotine products,
12 vapor products or product samples to any person under twenty-one
13 (21) years of age.

14 B. No ~~person~~ tobacco retailer shall distribute tobacco
15 products, nicotine products, vapor products or product samples in or
16 on any public street, sidewalk, or park that is within three hundred
17 (300) feet of any playground, school, or other facility when the
18 facility is being used primarily by persons under twenty-one (21)
19 years of age.

20 C. When a ~~person~~ tobacco retailer violates any provision of
21 subsection A or B of this section, the Alcoholic Beverage Laws
22 Enforcement (ABLE) Commission shall impose an administrative fine
23 of:
24

1 1. Not ~~more~~ less than ~~One Hundred Dollars (\$100.00)~~ Five
2 Hundred Dollars (\$500.00) for the first offense;

3 2. Not ~~more~~ less than ~~Two Hundred Dollars (\$200.00)~~ Seven
4 Hundred Fifty Dollars (\$750.00) for the second offense within a
5 three-year period following the first offense. In addition to the
6 fine imposed by this paragraph, the tobacco retail establishment's
7 tobacco retail license shall be suspended for not less than seven
8 (7) days; and

9 3. Not ~~more~~ less than ~~Three Hundred Dollars (\$300.00)~~ One
10 Thousand Dollars (\$1,000.00) for a third ~~or subsequent~~ offense
11 within a three-year period following the first offense. In addition
12 to the fine imposed by this paragraph, the tobacco retail
13 establishment's tobacco retail license shall be suspended for not
14 less than thirty (30) days; and

15 4. Not less than One Thousand Dollars (\$1,000.00) for a fourth
16 offense within a three-year period following the first offense. In
17 addition to the fine imposed by this paragraph, the tobacco retail
18 establishment's tobacco retail license shall be revoked.

19 D. ~~Upon failure of any person to pay an administrative fine~~
20 ~~within ninety (90) days of the assessment of the fine, the ABLE~~
21 ~~Commission shall notify the Department of Public Safety, and the~~
22 ~~Department shall suspend or not issue a driver license to the person~~
23 ~~until proof of payment has been furnished to the Department of~~
24 ~~Public Safety.~~

1 ~~E.~~ Cities and towns may enact and municipal police officers may
2 enforce ordinances prohibiting and penalizing conduct under
3 provisions of this section, ~~but the provisions of municipal~~
4 ~~ordinances shall be the same as provided for in this section, and~~
5 ~~the penalty provisions under such ordinances shall not be more~~
6 ~~stringent than those of this section.~~

7 SECTION 7. AMENDATORY 63 O.S. 2021, Section 1-229.21, is
8 amended to read as follows:

9 Section 1-229.21 A. It is unlawful for any ~~person or retail~~
10 ~~store~~ tobacco retailer to display or offer for sale tobacco
11 products, nicotine products ~~or vapor products~~ in any manner that
12 allows public access to the tobacco products, or nicotine products
13 ~~or vapor products without assistance from the person displaying the~~
14 ~~tobacco products, nicotine products or vapor products or an employee~~
15 ~~or the owner of the store~~ through self-service displays. The
16 provisions of this subsection shall not apply to retail stores which
17 do not admit into the store persons under twenty-one (21) years of
18 age.

19 B. When a ~~person~~ tobacco retailer violates subsection A of this
20 section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission
21 shall impose an administrative fine of ~~not more than Two Hundred~~
22 ~~Dollars (\$200.00) for each offense~~;

23 1. Not less than Five Hundred Dollars (\$500.00) for the first
24 offense;

1 2. Not less than Seven Hundred Fifty Dollars (\$750.00) for the
2 second offense within a three-year period following the first
3 offense. In addition to the fine imposed by this paragraph, the
4 tobacco retail establishment's tobacco retail license shall be
5 suspended for not less than seven (7) days;

6 3. Not less than One Thousand Dollars (\$1,000.00) for a third
7 offense within a three-year period following the first offense. In
8 addition to the fine imposed by this paragraph, the tobacco retail
9 establishment's tobacco retail license shall be suspended for not
10 less than thirty (30) days; or

11 4. Not less than One Thousand Dollars (\$1,000.00) for a third
12 offense within a three-year period following the first offense. In
13 addition to the fine imposed by this paragraph, the tobacco retail
14 establishment's tobacco retail license shall be suspended for not
15 less than one (1) year.

16 C. Cities and towns may enact and municipal police officers may
17 enforce ordinances prohibiting and penalizing conduct under
18 provisions of this section, ~~but the provisions of municipal~~
19 ~~ordinances shall be the same as provided for in this section, and~~
20 ~~the penalty provisions under such ordinances shall not be more~~
21 ~~stringent than those of this section.~~

22 SECTION 8. AMENDATORY 63 O.S. 2021, Section 1-229.22, is
23 amended to read as follows:

1 Section 1-229.22 A. The Alcoholic Beverage Laws Enforcement
2 (ABLE) Commission is authorized and empowered to enforce the
3 provisions of Section 1-229.11 et seq. of this title. The ABLE
4 Commission shall enforce those provisions in a manner that can
5 reasonably be expected to reduce the extent to which tobacco
6 products, nicotine products or vapor products are sold or
7 distributed to persons under twenty-one (21) years of age.

8 B. The ABLE Commission may consider mitigating or aggravating
9 circumstances involved with the violation of the Prevention of Youth
10 Access to Tobacco Act when assessing penalties.

11 C. Any conviction for a violation of a municipal ordinance
12 authorized by the Prevention of Youth Access to Tobacco Act and any
13 compliance checks by a municipal police officer or a county sheriff
14 pursuant to subsection E of this section shall be reported in
15 writing to the ABLE Commission within thirty (30) days of such
16 conviction or compliance check. Such reports shall be compiled in
17 the manner prescribed by the ABLE Commission.

18 D. For the purpose of determining second or subsequent
19 violations, both the offenses penalized by the ABLE Commission as
20 administrative fines and the offenses penalized by municipalities
21 and towns and reported to the ABLE Commission, shall be considered
22 together in such determination.

23 E. Persons under twenty-one (21) years of age may be enlisted
24 by the ABLE Commission, a municipality or town, or a county to

1 assist in compliance checks and enforcement; provided, such persons
2 may be used to test compliance only if written parental consent has
3 been provided and the testing is conducted under the direct
4 supervision of the ABLE Commission or conducted by another law
5 enforcement agency if such agency has given written notice to the
6 ABLE Commission in the manner prescribed by the ABLE Commission.
7 Municipalities which have enacted municipal ordinances in accordance
8 with the Prevention of Youth Access to Tobacco Act may conduct,
9 pursuant to rules of the ABLE Commission, compliance checks without
10 prior notification to the ABLE Commission and shall be exempt from
11 the written notice requirement in this subsection. This subsection
12 shall not apply to the use of persons under twenty-one (21) years of
13 age to test compliance if the compliance test is being conducted by
14 or on behalf of a retailer of cigarettes, as defined in Section 301
15 of Title 68 of the Oklahoma Statutes, at any location the retailer
16 of cigarettes is authorized to sell cigarettes. Any other use of
17 persons under twenty-one (21) years of age to test compliance shall
18 be unlawful and punishable by the ABLE Commission by assessment of
19 an administrative fine of One Hundred Dollars (\$100.00).

20 F. At the beginning of each month, the Oklahoma Tax Commission,
21 pursuant to Section 205 of Title 68 of the Oklahoma Statutes, shall
22 provide to the ABLE Commission and to each municipality which has
23 ordinances concerning the Prevention of Youth Access to Tobacco Act,
24 the location, name, and address of each licensee licensed to sell

1 tobacco products, nicotine products or vapor products at retail or
2 otherwise furnish tobacco products, nicotine products or vapor
3 products. Upon violation of an employee at a location, the ABLE
4 Commission shall notify the ~~storeowner~~ tobacco retailer for that
5 location of the latest and all previous violations when one of their
6 employees has been determined to be in violation of the Prevention
7 of Youth Access to Tobacco Act by the ABLE Commission or convicted
8 of a violation by a municipality. If the ABLE Commission fails to
9 notify the licensee of a violation by an employee, that violation
10 shall not apply against the licensee for the purpose of determining
11 a license suspension pursuant to Section 1-229.13 of this title.
12 For purposes of this subsection, notification shall be deemed given
13 if the ABLE Commission mails, by mail with delivery confirmation,
14 the notification to the address which is on file with the Oklahoma
15 Tax Commission of the licensee or sales tax permit holder of the
16 location at which the violation occurred and the ABLE Commission
17 receives delivery confirmation from the U.S. Postal Service.

18 G. Upon request of a ~~storeowner~~ tobacco retailer or a
19 municipality which has enacted ordinances in accordance with the
20 Prevention of Youth Access to Tobacco Act, the ABLE Commission is
21 hereby authorized to provide information on any Prevention of Youth
22 Access to Tobacco Act offense of any applicant for employment or
23 employee of the ~~storeowner~~ tobacco retailer.

24

1 H. The ABLE Commission shall prepare for submission annually to
2 the Secretary of the United States Department of Health and Human
3 Services the report required by Section 1926 of the federal Public
4 Health Service Act (42 U.S.C. 300-26), and otherwise shall be
5 responsible for ensuring the state's compliance with that provision
6 of federal law and any implementing of regulations promulgated by
7 the United States Department of Health and Human Services.

8 I. The ABLE Commission shall complete at least one unannounced
9 compliance check per tobacco retail establishment per year. If a
10 tobacco retail establishment fails a compliance check, the ABLE
11 Commission shall conduct an additional compliance check within six
12 (6) months of the initial compliance check.

13 SECTION 9. AMENDATORY 63 O.S. 2021, Section 1-229.26, is
14 amended to read as follows:

15 Section 1-229.26 A. It is unlawful for any person or tobacco
16 retailer to sell, give or furnish in any manner to another person
17 who is under twenty-one (21) years of age any material or device
18 used in the smoking, chewing, or other method of consumption of
19 tobacco products, nicotine products or vapor products, including
20 cigarette papers, pipes, holders of smoking materials of all types,
21 and other items designed primarily for the smoking or ingestion of
22 tobacco products, nicotine products or vapor products.

23 B. When a ~~person~~ tobacco retailer violates subsection A of this
24 section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission

1 shall impose an administrative fine of not more than One Hundred
2 Dollars (\$100.00) for each offense.

3 SECTION 10. AMENDATORY 68 O.S. 2011, Section 304, is
4 amended to read as follows:

5 Section 304. A. Every manufacturer and wholesaler of
6 cigarettes in this state, as a condition of carrying on such
7 business, shall annually secure from the Oklahoma Tax Commission a
8 written license, and shall pay therefor an annual fee of Two Hundred
9 Fifty Dollars (\$250.00). Application for such license, which shall
10 be made upon such forms as prescribed by the Oklahoma Tax
11 Commission, shall include the following:

12 1. The applicant's agreement to the jurisdiction of the Tax
13 Commission and the courts of this state for the purpose of
14 enforcement of the provisions of Section 301 et seq. of this title;

15 2. The applicant's agreement to abide by the provisions of
16 Section 301 et seq. of this title and the rules promulgated by the
17 Tax Commission with reference thereto;

18 3. The wholesaler applicant's agreement to sell cigarettes only
19 to licensed retailers or Indian tribal entities or licensees of
20 Indian tribal entities; and

21 4. The manufacturer applicant's agreement to sell cigarettes
22 only to a licensed wholesaler.

23 This license, which will be for the ensuing year, must at all
24 times be displayed in a conspicuous place so that it can be seen.

1 Persons operating more than one place of business must secure a
2 license for each place of business. "Place of business" shall be
3 construed to include the place where orders are received, or where
4 cigarettes are sold. If cigarettes are sold on or from any vehicle,
5 the vehicle shall constitute a place of business and the regular
6 license fee shall be paid with respect thereto. However, if the
7 vehicle is owned or operated by a place of business for which the
8 regular fee is paid, the annual fee for the license with respect to
9 such vehicle shall be only Ten Dollars (\$10.00). The expiration for
10 such vehicle license shall expire on the same date as the current
11 license of the place of business.

12 Provided, that the Tax Commission shall not authorize the use of
13 a stamp-metering device by any manufacturer or wholesaler who does
14 not maintain a warehouse or wholesale establishment or place of
15 business within the State of Oklahoma from which cigarettes are
16 received, stocked and sold and where such metering device is kept
17 and used; but the Tax Commission may, in its discretion, permit the
18 use of such metering device by manufacturers and wholesalers of
19 cigarettes residing wholly within another state where such state
20 permits a licensed Oklahoma resident, manufacturer or wholesaler of
21 cigarettes the use of the metering device of such state without
22 first requiring that such manufacturer or wholesaler establish a
23 place of business in such other state. The provisions of this
24 subsection relating to metering devices shall not apply to states

1 which do not require the affixing of tax stamps to packages of
2 cigarettes before same are offered for sale in such states.

3 B. Every retailer in this state, except Indian tribal entities
4 or licenses of Indian tribal entities, as a condition of carrying on
5 such business, shall secure from the Tax Commission a license and
6 shall pay therefor a fee of ~~Thirty Dollars (\$30.00)~~ Three Hundred
7 Dollars (\$300.00). Application for such license, which shall be
8 made upon such forms as prescribed by the Tax Commission, shall
9 include the following:

10 1. The applicant's agreement to the jurisdiction of the Tax
11 Commission and the courts of this state for the purpose of
12 enforcement of the provisions of Section 301 et seq. of this title;

13 2. The applicant's agreement to abide by the provisions of
14 Section 301 et seq. of this title and the rules promulgated by the
15 Tax Commission with reference thereto;

16 3. The applicant's agreement that it shall not purchase any
17 cigarettes for resale from a supplier that does not hold a current
18 wholesaler's license issued pursuant to this section; and

19 4. The applicant's agreement to sell cigarettes only to
20 consumers.

21 Such license, which will be for the ensuing ~~three (3) years~~
22 year, must at all times be displayed in a conspicuous place so that
23 it can be seen. Upon expiration of such license, the retailer to
24 whom such license was issued may obtain a renewal license which

1 shall be valid for ~~three (3) years~~ one (1) year. The manner and
2 prorated fee for renewals shall be prescribed by the Tax Commission.
3 Every person operating under such license as a retailer and who owns
4 or operates more than one place of business must secure a license
5 for each place of business. "Place of business" shall be construed
6 to include places where orders are received or where cigarettes are
7 sold.

8 C. Every distributing agent shall, as a condition of carrying
9 on such business, pursuant to written application on a form
10 prescribed by and in such detailed form as the Tax Commission may
11 require, annually secure from the Tax Commission a license, and
12 shall pay therefor an annual fee of One Hundred Dollars (\$100.00).
13 An application shall be filed and a license obtained for each place
14 of business owned or operated by a distributing agent. The license,
15 which will be for the ensuing year, shall be consecutively numbered,
16 nonassignable and nontransferable, and shall authorize the storing
17 and distribution of unstamped cigarettes within this state when such
18 distribution is made upon interstate orders only.

19 D. 1. All wholesale, retail, and distributing agent's licenses
20 shall be nonassignable and nontransferable from one person to
21 another person. Such licenses may be transferred from one location
22 to another location after an application has been filed with the Tax
23 Commission requesting such transfer and after the approval of the
24 Tax Commission.

1 2. Wholesale, retail, and distributing agent's licenses shall
2 be applied for on a form prescribed by the Tax Commission. Any
3 person operating as a wholesaler, retailer, or distributing agent
4 must at all times have a valid license which has been issued by the
5 Tax Commission. If any such person or licensee continues to operate
6 as such on a license issued by the Tax Commission which has expired,
7 or operates without ever having obtained from the Tax Commission
8 such license, such person or licensee shall, after becoming
9 delinquent for a period in excess of fifteen (15) days, pay to the
10 Tax Commission, in addition to the annual license fee, a penalty of
11 ~~twenty-five cents (\$0.25)~~ Twenty-five Dollars (\$25.00) per day on
12 each delinquent license for each day so operated in excess of
13 fifteen (15) days. The penalty provided for herein shall not exceed
14 ~~the annual license fee for such license~~ Three Thousand Dollars
15 (\$3,000.00).

16 E. No license may be granted, maintained or renewed if any of
17 the following conditions applies to the applicant. For purposes of
18 this section, "applicant" includes any combination of persons owning
19 directly or indirectly, in the aggregate, more than ten percent
20 (10%) of the ownership interests in the applicant:

21 1. The applicant owes Five Hundred Dollars (\$500.00) or more in
22 delinquent cigarette taxes;

23
24

1 2. The applicant had a cigarette manufacturer, wholesaler,
2 retailer or distributor license revoked by the Tax Commission within
3 the past two (2) years;

4 3. The applicant has been convicted of a crime relating to
5 stolen or counterfeit cigarettes, or receiving stolen or counterfeit
6 cigarettes or has been convicted of or has entered a plea of guilty
7 or nolo contendere to any felony;

8 4. If the applicant is a cigarette manufacturer, the applicant
9 is neither:

10 a. a participating manufacturer as defined in Section II
11 (jj) of the Master Settlement Agreement as defined in
12 Section 600.22 of Title 37 of the Oklahoma Statutes,
13 nor

14 b. in full compliance with the provisions of paragraph 2
15 of subsection A of Section 600.23 of Title 37 of the
16 Oklahoma Statutes;

17 5. If the applicant is a cigarette manufacturer, if any
18 cigarette imported by such applicant is imported into the United
19 States in violation of 19 U.S.C., Section 1681a; or

20 6. If the applicant is a cigarette manufacturer, if any
21 cigarette imported or manufactured by the applicant does not fully
22 comply with the Federal Cigarette Labeling and Advertising Act, 15
23 U.S.C., Section 1331 et seq.

1 F. No person or entity licensed pursuant to the provisions of
2 this section shall purchase cigarettes from or sell cigarettes to a
3 person or entity required to obtain a license unless such person or
4 entity has obtained such license.

5 G. No person licensed as a retailer in this state shall:

6 1. Sell any cigarettes to any other person licensed as a
7 retailer in this state unless such sale is for the purpose of moving
8 inventory between stores which are part of the same company; or

9 2. Purchase any cigarettes from any person or entity other than
10 a wholesaler licensed pursuant to Section 301 et seq. of this title.

11 H. In addition to any civil or criminal penalty provided by
12 law, upon a finding that a licensee has violated any provision of
13 Section 301 et seq. of this title, the Tax Commission may revoke or
14 suspend the license or licenses of the licensee pursuant to the
15 procedures applicable to revocation of a license set forth in
16 Section 316 of this title.

17 I. The Tax Commission shall create and maintain a website
18 setting forth all current valid licenses and the identity of
19 licensees holding such licenses, and shall update the site no less
20 frequently than once per month.

21 J. Licensing revenue generated by this section shall be
22 deposited in the Youth Access to Tobacco Compliance Revolving Fund
23 pursuant to Section 11 of this act.

24

1 SECTION 11. NEW LAW A new section of law to be codified in
2 the Oklahoma Statutes as Section 304.1 of Title 68, unless there is
3 created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Alcoholic Beverage Laws Enforcement Commission to be
6 designated the "Youth Access to Tobacco Compliance Revolving Fund".
7 The fund shall be a continuing fund, not subject to fiscal year
8 limitations, and shall consist of all monies received by the
9 Oklahoma Tax Commission from licensing for manufacture and wholesale
10 of cigarettes and dealing and wholesale of tobacco products. All
11 monies accruing to the credit of said fund are hereby appropriated
12 and may be budgeted and expended by the ABLE Commission for the
13 purpose of conducting mandatory compliance checks and reporting.
14 Expenditures from said fund shall be made upon warrants issued by
15 the State Treasurer against claims filed as prescribed by law with
16 the Director of the Office of Management and Enterprise Services for
17 approval and payment.

18 SECTION 12. AMENDATORY 68 O.S. 2021, Section 401, is
19 amended to read as follows:

20 Section 401. For the purpose of this article:

21 1. The word "person" shall mean any individual, company,
22 limited liability company, corporation, partnership, association,
23 joint adventure, estate, trust or any other group, or combination
24 acting as a unit, and the plural as well as the singular, unless the

1 intention to give a more limited meaning is disclosed by the
2 context;

3 2. The term "Tax Commission" shall mean the Oklahoma Tax
4 Commission;

5 3. The word "wholesaler" shall include dealers whose principal
6 business is that of a wholesale dealer, and who is known to the
7 trade as such, who shall sell any tobacco products to licensed
8 retail dealers only for the purpose of resale;

9 4. The word "retailer" shall include every dealer, other than a
10 wholesaler as defined above, whose principal business is that of
11 selling merchandise at retail, who shall sell, or offer for sale,
12 tobacco products;

13 5. The word "consumer" shall mean a person who comes into
14 possession of tobacco for the purpose of consuming it;

15 6. The words "first sale" shall mean and include the first
16 sale, or distribution, of tobacco products in intrastate commerce,
17 or the first use or consumption of tobacco products within this
18 state;

19 7. The words "tobacco products" shall mean any ~~cigars, smoking~~
20 ~~tobacco and smokeless tobacco~~ product containing, made of, or
21 derived from tobacco or nicotine that is intended for human
22 consumption or is likely to be consumed, whether inhaled, absorbed,
23 or ingested by any other means, including but not limited to cigars,
24 pipe tobacco, chewing tobacco, snuff or snus. Tobacco products

1 shall also mean any vapor product, any substance that may be
2 aerosolized or vaporized by a device, whether or not the substance
3 contains nicotine, and any other component, part or accessory to
4 such a product or device, including but not limited to filters,
5 rolling papers, blunt or hemp wraps, and pipes. Tobacco products
6 shall not mean drugs, devices or combination products authorized for
7 sale by the United States Food and Drug Administration;

8 8. The term "cigars" shall include any roll of tobacco for
9 smoking, irrespective of size or shape and irrespective of the
10 tobacco being flavored, adulterated or mixed with any other
11 ingredients, where such roll has a wrapper made chiefly of tobacco;

12 9. The term "smokeless tobacco" shall mean all smokeless
13 tobacco including snuff and chewing tobacco;

14 10. The term "snuff" shall mean any finely cut, ground or
15 powdered tobacco that is not intended to be smoked;

16 11. The term "chewing tobacco" means any leaf tobacco that is
17 not intended to be smoked;

18 12. The term "smoking tobacco" shall mean any pipe tobacco or
19 roll-your-own tobacco;

20 13. The term "pipe tobacco" means any tobacco which, because of
21 its appearance, type, packaging or labeling, is suitable for use and
22 likely to be offered to, or purchased by, consumers as tobacco to be
23 smoked in a pipe;

24

1 14. The term "roll-your-own tobacco" means any tobacco which,
2 because of its appearance, type, packaging or labeling, is suitable
3 for use and likely to be offered to, or purchased by, consumers as
4 tobacco for making cigarettes or cigars, or for use as wrappers
5 ~~thereof~~ thereof; and

6 15. The term "untaxed" means that the full amount of tax has
7 not been paid as required by Section 400 et seq. of this title; and

8 16. The words "vapor product" shall mean any noncombustible
9 product that may or may not contain nicotine, that employs a
10 mechanical heating element, battery, electronic circuit or other
11 mechanism, regardless of the shape or size, and that can be used to
12 produce a vapor in a solution or other form. Vapor product shall
13 also mean any vapor cartridge or other container of a solution, with
14 or without nicotine in any form, that is intended to be used with an
15 electronic cigarette, electronic cigar, electronic cigarillo,
16 electronic pipe or similar product or device. Vapor product shall
17 not mean any products regulated by the United States Food and Drug
18 Administration.

19 SECTION 13. AMENDATORY 68 O.S. 2021, Section 415, is
20 amended to read as follows:

21 Section 415. A. Every wholesaler of tobacco products in this
22 state, as a condition of carrying on such business, shall annually
23 secure from the Oklahoma Tax Commission a written license and shall
24 pay an annual fee of Two Hundred Fifty Dollars (\$250.00); provided,

1 such fee shall not be applicable if paid pursuant to Section 304 of
2 this title. The Tax Commission shall promulgate rules which provide
3 a procedure for the issuance of a joint license for any wholesaler
4 making application pursuant to this section and Section 304 of this
5 title. Application for such license, which shall be made upon such
6 forms as prescribed by the Tax Commission, shall include the
7 following:

8 1. The applicant's agreement to the jurisdiction of the Tax
9 Commission and the courts of this state for purposes of enforcement
10 of the provisions of Section 301 et seq. of this title; and

11 2. The applicant's agreement to abide by the provisions of
12 Section 301 et seq. of this title and the rules promulgated by the
13 Tax Commission with reference thereto. This license, which will be
14 for the ensuing year, must at all times be displayed in a
15 conspicuous place so that it can be seen. Persons operating more
16 than one place of business must secure a license for each place of
17 business. "Place of business" shall be construed to include the
18 place where orders are received, or where tobacco products are sold.
19 If tobacco products are sold on or from any vehicle, the vehicle
20 shall constitute a place of business, and the license fee of Two
21 Hundred Fifty Dollars (\$250.00) shall be paid with respect thereto.
22 However, if the vehicle is owned or operated by a place of business
23 for which the regular license fee is paid, the annual fee for the
24 license with respect to such vehicle shall be only Ten Dollars

1 (\$10.00). The expiration for such vehicle license shall expire on
2 the same date as the current license of the place of business.

3 B. Every retailer in this state, as a condition of carrying on
4 such business, shall secure from the Tax Commission a license and
5 shall pay therefor a fee of ~~Thirty Dollars (\$30.00)~~ Three Hundred
6 Dollars (\$300.00). Application for such license, which shall be
7 made upon such forms as prescribed by the Tax Commission, shall
8 include the following:

9 1. The applicant's agreement to the jurisdiction of the Tax
10 Commission and the courts of this state for purposes of enforcement
11 of the provisions of Section 301 et seq. of this title;

12 2. The applicant's agreement to abide by the provisions of
13 Section 301 et seq. of this title and the rules promulgated by the
14 Tax Commission with reference thereto;

15 3. The applicant's agreement that it shall not purchase any
16 tobacco products for resale from a supplier that does not hold a
17 current wholesaler's license issued pursuant to this section; and

18 4. The applicant's agreement to sell tobacco products only to
19 consumers.

20 Such license, which will be for the ensuing ~~three (3) years~~
21 year, must at all times be displayed in a conspicuous place so that
22 it can be seen. Upon expiration of such license, the retailer to
23 whom such license was issued may obtain a renewal license which
24 shall be valid for ~~three (3) years~~ one (1) year or until expiration

1 of the retailer's sales tax permit, whichever is earlier, after
2 which a renewal license shall be valid for ~~three (3) years~~ one (1)
3 year. The manner and prorated fee for renewals shall be prescribed
4 by the Tax Commission. Every person operating under such license as
5 a retailer and who owns or operates more than one place of business
6 must secure a license for each place of business. "Place of
7 business" shall be construed to include places where orders are
8 received or where tobacco products are sold.

9 C. Nothing in this section shall be construed to prohibit any
10 person holding a retail license from also holding a wholesaler
11 license.

12 D. 1. All wholesale or retail licenses shall be nonassignable
13 and nontransferable from one person to another person. Such
14 licenses may be transferred from one location to another location
15 after an application has been filed with the Tax Commission
16 requesting such transfer and after the approval of the Tax
17 Commission.

18 2. Wholesale and retail licenses shall be applied for on a form
19 prescribed by the Tax Commission. Any person operating as a
20 wholesaler or retailer must at all times have an effective unexpired
21 license which has been issued by the Tax Commission. If any such
22 person or licensee continues to operate as such on a license issued
23 by the Tax Commission which has expired, or operates without ever
24 having obtained from the Tax Commission such license, such person or

1 licensee shall, after becoming delinquent for a period in excess of
2 fifteen (15) days, pay to the Tax Commission, in addition to the
3 annual license fee, a penalty of ~~Ten Dollars (\$10.00)~~ Twenty-five
4 Dollars (\$25.00) per day on each delinquent license for each day so
5 operated in excess of fifteen (15) days. The penalty provided for
6 herein shall not exceed ~~the annual license fee for such license~~
7 Three Thousand Dollars (\$3,000.00). The penalties collected
8 pursuant to the provisions of this paragraph shall be deposited in
9 the Tobacco Products Tax Enforcement Unit Revolving Fund created in
10 Section 7 400.6 of this ~~act~~ title.

11 E. No license may be granted, maintained or renewed if any of
12 the following conditions apply to the applicant. For purposes of
13 this section, "applicant" includes any combination of persons owning
14 directly or indirectly, in the aggregate, more than ten percent
15 (10%) of the ownership interests in the applicant:

16 1. The applicant owes Five Hundred Dollars (\$500.00) or more in
17 delinquent tobacco products taxes;

18 2. The applicant had a wholesaler or retailer license revoked
19 by the Tax Commission within the past two (2) years; or

20 3. The applicant has been convicted of a crime relating to
21 stolen or counterfeit tobacco products, or receiving stolen or
22 counterfeit tobacco products.

23 F. No person or entity licensed pursuant to the provisions of
24 this section shall purchase tobacco products from or sell tobacco

1 products to a person or entity required to obtain a license unless
2 such person or entity has obtained such license.

3 G. In addition to any civil or criminal penalty provided by
4 law, upon a finding that a licensee has violated any provision of
5 Section 301 et seq. of this title, the Tax Commission may revoke or
6 suspend the license or licenses of the licensee pursuant to the
7 procedures applicable to revocation of a license set forth in
8 Section 418 of this title.

9 H. Licensing revenue generated by this section shall be
10 deposited in the Youth Access to Tobacco Compliance Revolving Fund
11 pursuant to Section 11 of this act.

12 SECTION 14. This act shall become effective November 1, 2022.

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