

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2511

By: Kannady

AS INTRODUCED

An Act relating to tobacco and vapor products; requiring retailers to verify purchasers' age through certain means; requiring vapor product manufacturers to make a certain attestation and certification 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.

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:

Before selling a tobacco product or vapor product to a purchaser, a retailer shall verify that the purchaser is at least twenty-one (21) years of age by examining a government-issued photographic identification and performing age verification through enhanced controls that utilize a scanning technology or other automated, software-based system.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-229.36 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 the 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.

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

5 1. Shall make the directory available for public inspection on
6 its website on or before October 1, 2022; and

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

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

13 SECTION 3. This act shall become effective November 1, 2021.
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