

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3881 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Josh Cantrell  
\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED OVERSIGHT  
4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3881

By: Cantrell

7  
8 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

9 An Act relating to vape products; creating the  
10 Alternative Nicotine Products Regulatory Act of 2026;  
11 defining terms; providing manufacturing, labeling,  
12 marketing, and safety requirements; mandating an  
13 attestation; providing for penalties and suspension;  
14 providing for enforcement from the Attorney General;  
15 creating the Alternative Nicotine Products Compliance  
16 Fund; providing for noncodification; providing for  
17 codification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law not to be  
20 codified in the Oklahoma Statutes reads as follows:

21 This act shall be known and may be cited as the "Alternative  
22 Nicotine Products Regulatory Act of 2026".

23 SECTION 2. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 1-229.50 of Title 63, unless  
there is created a duplication in numbering, reads as follows:

As used in this act:

- 1        1. "Alternative nicotine product" means any noncombustible  
2 product that contains nicotine and that is intended for human  
3 consumption, whether chewed, absorbed, dissolved, ingested, or  
4 consumed by other means;
- 5        2. "Department" means the Department of Revenue;
- 6        3. "E-liquid" means a solution that:  
7            a. contains propylene glycol, vegetable glycerin,  
8            nicotine, nicotine salts, flavorings, or both, and  
9            b. is intended to be used in an electronic cigarette.
- 10       E-liquid does not include cannabis, THC, CBD, or hemp as defined  
11 under the laws of the state.
- 12       4. "Manufacturing" means the process by which an alternative  
13 nicotine product is fabricated, assembled, packaged or labeled, and  
14 is sealed in final packaging intended for consumer use;
- 15       5. "Minor" means an individual who is less than twenty-one (21)  
16 years of age;
- 17       6. "Packaging" means any receptacle that contains a finished  
18 alternative nicotine product;
- 19       7. "Sale" or "Sell" means to exchange or otherwise furnish any  
20 alternative nicotine product to any individual of legal age for  
21 monetary value; and
- 22       8. "Tamper-evident package" means a package having at least one  
23 (1) indicator or barrier to entry that, if breached or missing, can  
24

1 reasonably be expected to provide visible evidence to consumers that  
2 tampering has occurred.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-229.51 of Title 63, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. Manufacturers, dealers, wholesalers, and retailers shall  
7 comply with the following requirements:

8 1. An e-liquid bottle shall use a child proof cap that has the  
9 child resistant effectiveness set forth in the federal poison  
10 prevention packaging standards, 16 CFR 1700.15(b)(1);

11 2. An e-liquid bottle or an electronic cigarette that contains  
12 e-liquid shall use a tamper-evident package. The tamper-evident  
13 package feature shall be designed to remain intact when handled in a  
14 reasonable manner during the manufacture, distribution, and retail  
15 display of the e-liquid bottle;

16 3. The label on an e-liquid bottle, electronic cigarette, or  
17 alternative nicotine product shall meet the nicotine addictiveness  
18 warning statement requirements set forth in 21 CFR 1143.3; and

19 4. The package containing the alternative nicotine product  
20 shall contain the ingredients in the product as well as the name of  
21 the manufacturer or wholesaler, along with the address of the  
22 manufacturer or wholesaler, firmly affixed to or printed on the  
23 package for tracking purposes. A scannable bar code or QR code  
24 located on the package may meet this requirement.

1 B. A manufacturer, dealer, wholesaler, or retailer of an  
2 alternative nicotine product shall be prohibited from selling any  
3 alternative nicotine product that uses in the name of the product,  
4 the labeling of the product, the packaging of the product, or in its  
5 marketing materials:

6 1. The terms "candy", "candies", or variants in spelling such  
7 as "kandy" or "kandeez;

8 2. The terms "bubble gum", "cotton candy", "gummy bear", "gummy  
9 worm", "lollipop", or other variants of these terms;

10 3. References to cartoons, cartoon characters, superheroes,  
11 television shows, video games, and movies, or other similar  
12 characters or references;

13 4. References or utilizes trade dress, trademarks, or other  
14 related imagery that imitate or replicate trade dress, trademarks,  
15 or other imagery of food brands or products that have been primarily  
16 marketed to minors such as brands of breakfast cereals, cookies,  
17 juice drinks, soft drinks, ice creams, and frozen pops; and

18 5. References or utilizes trade dress, trademarks, or other  
19 related imagery that imitate or replicate trade dress, trademarks,  
20 or other imagery of school supplies such as USB drives or  
21 highlighters, smart phones or smart watches, headphones, any item of  
22 clothing, or toy, video game devices or phone app integration  
23 features.

1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-229.52 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. A manufacturer of alternative nicotine products for sale in  
5 the state shall provide an attestation under the penalty of perjury  
6 to the Attorney General on forms provided by the Attorney General's  
7 Office of the following:

8 1. The manufacturer has received a marketing granted order for  
9 the alternative nicotine product from the United States Food and  
10 Drug Administration (FDA) in accordance with 21 U.S.C. 387(j); or

11 2. The manufacturer has submitted a premarket tobacco  
12 application for the alternative nicotine product and has received a  
13 submission tracking number (STN) from the FDA in accordance with 21  
14 U.S.C. 387(j) and the application remains under review with the FDA  
15 for more than 180 days, the FDA has issued a no marketing order for  
16 the alternative nicotine product, but the agency or a federal court  
17 has issued a stay order or injunction during the pendency of the  
18 manufacturer's appeal of the no marketing order, or the order has  
19 been appealed either to the FDA or a challenge to the order filed  
20 with a federal court and the appeal or challenge is still pending.

21 B. The consumable material of the alternative nicotine product  
22 shall be manufactured, processed, blended, or filled in the United  
23 States by January 1, 2028, or such product shall be removed from the  
24 list of products that are legal to sell.

1 C. Each manufacturer filing an attestation with the Attorney  
2 General shall pay an initial fee of Five Thousand Dollars  
3 (\$5,000.00) and a renewal fee annually of Two Thousand Five Hundred  
4 Dollars (\$2,500.00).

5 D. The manufacturer shall notify the Attorney General within  
6 thirty (30) days of any material change to the attestation,  
7 including:

8 1. If the FDA has issued a market order or other authorization;

9 2. If the FDA has issued a market denial order;

10 3. If the FDA or a federal court has issued a stay or  
11 injunction during pendency of the no marketing order; or

12 4. If the manufacturer has appealed to the FDA or filed a  
13 challenge with a federal court and the appeal or challenge is still  
14 pending.

15 SECTION 5. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1-229.53 of Title 63, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. The Department shall assess a civil penalty against a  
19 manufacturer, dealer, wholesaler, or retailer for a violation of  
20 this act in an amount that does not exceed Five Thousand Dollars  
21 (\$5,000.00). A civil penalty shall be assessed in addition to other  
22 penalties allowed under this act.

23 B. The Attorney General is authorized to investigate and  
24 enforce violations of Sections 3 and 4 of this act. Upon

1 determining that a manufacturer, dealer, wholesaler, or retailer has  
2 violated any provision of Section 3 or 4 of this act, the Attorney  
3 General shall bring a civil action in any court of competent  
4 jurisdiction to either: seek injunctive relief restraining or  
5 enjoining any manufacturer, dealer, wholesaler, or retailer from  
6 continuing to engage in activities that violate Section 3 or 4;  
7 recover civil penalties of up to Ten Thousand Dollars (\$10,000.00)  
8 per violation; or obtain appropriate relief to protect the public  
9 interest.

10 C. Civil penalties collected under this act shall be deposited  
11 in the Alternative Nicotine Products Compliance Fund.

12 SECTION 6. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-229.54 of Title 63, unless  
14 there is created a duplication in numbering, reads as follows:

15 A. The Alternative Nicotine Products Compliance Fund is hereby  
16 created as a special fund under state law.

17 B. The Alternative Nicotine Products Compliance Fund shall be  
18 utilized by the Department and Attorney General for enforcement of  
19 this act.

20 SECTION 7. This act shall become effective November 1, 2026.

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22 60-2-16834 TJ 02/27/26

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