

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3881

By: Cantrell

AS INTRODUCED

An Act relating to vape products; creating the Alternative Nicotine Products Regulatory Act of 2026; defining terms; providing manufacturing, labeling, marketing, and safety requirements; mandating an attestation; providing for penalties and suspension; providing for enforcement from the Attorney General; creating the Alternative Nicotine Products Compliance Fund; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

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

SECTION 2. NEW LAW A new section of law to be codified 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. "Alternative nicotine product" means any noncombustible product that contains nicotine and that is intended for human

1 consumption, whether chewed, absorbed, dissolved, ingested, or
2 consumed by other means;

3 2. "Department" means the Department of Revenue;

4 3. "E-liquid" means a solution that:

- 5 a. contains propylene glycol, vegetable glycerin,
- 6 nicotine, nicotine salts, flavorings, or both, and
- 7 b. is intended to be used in an electronic cigarette.

8 E-liquid does not include cannabis, THC, CBD, or hemp as defined
9 under the laws of the state.

10 4. "Manufacturing" means the process by which an alternative
11 nicotine product is fabricated, assembled, packaged or labeled, and
12 is sealed in final packaging intended for consumer use;

13 5. "Minor" means an individual who is less than twenty-one (21)
14 years of age;

15 6. "Packaging" means any receptacle that contains a finished
16 alternative nicotine product;

17 7. "Sale" or "Sell" means to exchange or otherwise furnish any
18 alternative nicotine product to any individual of legal age for
19 monetary value; and

20 8. "Tamper-evident package" means a package having at least one
21 (1) indicator or barrier to entry that, if breached or missing, can
22 reasonably be expected to provide visible evidence to consumers that
23 tampering has occurred.

1 SECTION 3. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 1-229.51 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Manufacturers, dealers, wholesalers, and retailers shall
5 comply with the following requirements:

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

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

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

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

23 B. A manufacturer, dealer, wholesaler, or retailer of an
24 alternative nicotine product shall be prohibited from selling any

1 alternative nicotine product that uses in the name of the product,
2 the labeling of the product, the packaging of the product, or in its
3 marketing materials:

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

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

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

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

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

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

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

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

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

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

22 C. Each manufacturer filing an attestation with the Attorney
23 General shall pay an initial fee of One Thousand Dollars (\$1,000.00)
24 and a renewal fee annually of Five Hundred Dollars (\$500.00).

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

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

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

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

8 4. If the manufacturer has appealed to the FDA or filed a
9 challenge with a federal court and the appeal or challenge is still
10 pending.

11 E. The Attorney General shall:

12 1. Develop a directory listing all of the manufacturers that
13 have provided attestations that comply with subsection D of this
14 section and all vapor products that are listed in such attestations;

15 2. Make the directory available for public inspection on its
16 website on or before October 1, 2026; and

17 3. Update the directory every thirty (30) days to correct
18 mistakes and to add or remove manufacturers or vapor products to
19 maintain the directory in conformity with the requirements of this
20 section.

21 F. It shall be unlawful for any person, directly or indirectly,
22 to knowingly manufacture, distribute, sell, barter, or furnish in
23 this state any vapor product that is not included in the directory.
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1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-229.53 of Title 63, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The Department may assess a civil penalty against a
5 manufacturer, dealer, wholesaler, or retailer for a violation of
6 this act in an amount that does not exceed Five Thousand Dollars
7 (\$5,000.00). A civil penalty may be assessed in addition to other
8 penalties allowed under this act.

9 B. The Attorney General is authorized to investigate and
10 enforce violations of Sections 3 and 4 of this act. Upon
11 determining that a manufacturer, dealer, wholesaler or retailer has
12 violated any provision of Section 3 or 4 of this act, the Attorney
13 General may bring a civil action in any court of competent
14 jurisdiction to either: seek injunctive relief restraining or
15 enjoining any manufacturer, dealer, wholesaler or retailer from
16 continuing to engage in activities that violate Section 3 or 4;
17 recover civil penalties of up to Ten Thousand Dollars (\$10,000.00)
18 per violation; or obtain appropriate relief to protect the public
19 interest.

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

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

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

3 B. The Alternative Nicotine Products Compliance Fund shall be
4 utilized by the Department and Attorney General for enforcement of
5 this act.

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

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