

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3094

By: Hilbert

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5
6 AS INTRODUCED

7 An Act relating to electronic cigarettes; defining
8 terms; requiring license to sell electronic
9 cigarettes; instructing ABLE Commission to create
10 license; requiring reporting; providing for
11 codification; and providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1-228 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 A. As used in this act:

17 1. "ABLE Commission" means the Alcoholic Beverage Laws
18 Enforcement Commission;

19 2. "Distributor" means a person, firm, or corporation organized
20 and existing, or doing business, primarily to sell cigarettes,
21 including electronic cigarettes, and render service to retailers in
22 the state;

23 3. "Electronic cigarette" means a cigarette-shaped device
24 containing a nicotine-based liquid that is vaporized and inhaled,

1 used to simulate the experience of smoking tobacco. This includes
2 any of the following:

- 3 a. e-cigs,
- 4 b. vapes,
- 5 c. e-hookahs,
- 6 d. vape pens, and
- 7 e. electronic nicotine delivery systems;

8 4. "Person" means and includes any individual, company,
9 partnership, joint venture, joint agreement, association (mutual or
10 otherwise), limited liability company, corporation, estate, trust,
11 business trust receiver, or trustee appointed by any state or
12 federal court, or otherwise, syndicate, or any political subdivision
13 of the state or combination acting as a unit;

14 5. "Retailer" means:

- 15 a. a person who comes into the possession of cigarettes
16 for the purpose of selling, or who sells them at
17 retail, or
- 18 b. a person, not coming within the classification of
19 wholesaler, or distributor having possession of more
20 than one thousand cigarettes; and

21 6. "Wholesaler" means a person, firm, or corporation organized
22 and existing, or doing business, primarily to sell cigarettes,
23 including electronic cigarettes, and render service to retailers in
24 the state.

1 B. Any retailer, distributor, or wholesaler that sells
2 electronic cigarettes must have a license to sell such products from
3 the ABLE Commission.

4 C. The ABLE Commission shall create a license for a retailer,
5 distributor, or wholesaler for the sale of electronic cigarettes.
6 The license shall cost an individual Five Dollars (\$5.00) and shall
7 be renewed annually.

8 D. The ABLE Commission shall keep records of all persons
9 licensed to sell electronic cigarettes.

10 SECTION 2. This act shall become effective November 1, 2022.

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12 58-2-8845 KN 01/17/22

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