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§37-518.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-520A. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-521. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018, Laws 2017, c. 364, § 29, eff. Oct. 1, 2018, and Laws 2017, c. 381, § 10, eff. Oct. 1, 2018.

§37-521.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-521.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-521.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-522. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-523. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-523.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-523.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-524. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-525. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-525A. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-526.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-527. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-527.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-528. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-528.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-528.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-529. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-530. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-530.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-531. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-532. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-532.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-532.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-533. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-534. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-534.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-535. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-535.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-535.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-535.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-536. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-536.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537.1A. Mixed beverage, beer and wine, bottle club, or event licensee or their officer or agent - Prohibited acts.

No mixed beverage, beer and wine, bottle club, caterer, charitable event, public event or special event licensee or any employee, manager, operator or agent thereof shall:

1. Consume or be under the influence of alcoholic beverages during the hours he or she is on duty. For the purposes of this section, licensees will be deemed to be on duty from the time the licensee first comes on duty until the time the licensee goes off duty at the end of the shift, including any break periods permitted by management. This paragraph shall not apply to any person who works on the premises as an entertainer only;

2. Permit or tolerate any conduct or language which is intended to threaten another with physical harm or any fighting or offensive physical contact, in or upon the licensed premises or areas just outside the licensed premises which are controlled by the licensee;

3. Permit empty or discarded alcoholic beverage containers to be in public view outside the licensed premises. All empty or discarded containers shall be disposed of in accordance with ABLE Commission rules and regulations;

4. Permit any illegal gambling activity, violations of the state narcotic and dangerous drug laws, or prostitution activity or any other criminal conduct to occur on the licensed premises;

5. Refuse or fail to promptly open a door to the licensed premises upon request of an agent or inspector of the Alcoholic Beverage Laws Enforcement Commission or any other peace officer to enter the premises, when the licensee or employee knows or should know that such request is made by an agent or inspector of the ABLE Commission or any other peace officer. This provision shall not be construed to deny agents of the ABLE Commission or any other peace officer access at any time to any licensed premises;

6. Permit a sealed or unsealed container of alcoholic beverage to be removed from the licensed premises. Provided that restaurants, hotels, and motels may permit the removal of closed original wine containers the contents of which have been partially consumed and bottle clubs may permit the removal by a club member of closed original containers of alcoholic beverages belonging to the members. The provisions of this paragraph shall not be construed to prohibit or restrict:

- a. hotels or motels who are holders of mixed beverage or beer and wine licenses from allowing alcoholic beverages to be served away from the bar area anywhere on the licensed premises,

- b. licensees, who are lawfully operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing persons to transport alcoholic beverages from one licensed premises to another within the same building or property, provided that the building or property or a part thereof is defined as a common drinking area for consumption of alcohol by resolution of the governing body of the agency, political subdivision or public trust of this state, or
- c. licensees, who are licensed to operate in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, from allowing other licensees to operate on their licensed premises for events that are temporary in nature. In the event that multiple licensees are operating in a facility or on property owned or operated by any agency, political subdivision or public trust of this state, each licensee shall be responsible for violations occurring in their area designated to be their temporary licensed premises; or

7. Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or refuse to surrender evidence when lawfully requested to do so by an inspector, agent or any other peace officer or incite another person to do any of the above.

Added by Laws 2017, c. 205, § 5, emerg. eff. May 3, 2017.

NOTE: Laws 2017, c. 205, § 5 repealed by Laws 2017, c. 205, § 9, eff. Oct. 1, 2018.

§37-537.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-537.4. Repealed by Laws 2017, c. 275, § 7, eff. Oct. 1, 2018.

§37-538. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-538.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-538.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-538.3. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-539. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-540. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-541. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-542. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-543. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-543.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-543.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-545. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-546. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-547. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-548. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-549. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-550. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-551. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-552. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-553. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-553A. Repealed by Laws 2017, c. 205, § 12, eff. Oct. 1, 2018.

§37-554. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-554.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-554.2. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-555. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-556. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-557. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-559. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-560. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-561. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-562. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-563. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-563.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-564. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-565. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-566. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-567. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-568. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-569. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-570. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-571. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-572. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-573. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-576. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-576.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-577. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-578. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-579. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-580. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-581. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-581.1. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-582. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-583. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-584. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-585. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-586. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-587. Repealed by Laws 2001, c. 78, § 12, eff. Nov. 1, 2001.

§37-588. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-590. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-591. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-592. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-593. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-594. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-594.1. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-595. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-596. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-597. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-598. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-599. Repealed by Laws 2016, c. 366, § 169, eff. Oct. 1, 2018.

§37-600.1. Renumbered as § 1-229.11 of Title 63 by Laws 2016, c. 366, § 170, eff. Oct. 1, 2018.

§37-600.2. Renumbered as § 1-229.12 of Title 63 by Laws 2016, c. 366, § 171, eff. Oct. 1, 2018.

§37-600.3. Renumbered as § 1-229.13 of Title 63 by Laws 2016, c. 366, § 172, eff. Oct. 1, 2018.

§37-600.4. Renumbered as § 2-8-224 of Title 10A by Laws 2013, c. 404, § 28, eff. Nov. 1, 2013.

§37-600.5. Renumbered as § 1-229.15 of Title 63 by Laws 2016, c. 366, § 173, eff. Oct. 1, 2018.

§37-600.6. Renumbered as § 1-229.16 of Title 63 by Laws 2016, c. 366, § 174, eff. Oct. 1, 2018.

§37-600.7. Renumbered as § 1-229.17 of Title 63 by Laws 2016, c. 366, § 175, eff. Oct. 1, 2018.

§37-600.8. Renumbered as § 1-229.18 of Title 63 by Laws 2016, c. 366, § 176, eff. Oct. 1, 2018.

§37-600.9. Renumbered as § 1-229.19 of Title 63 by Laws 2016, c. 366, § 177, eff. Oct. 1, 2018.

§37-600.10. Renumbered as § 1-229.20 of Title 63 by Laws 2016, c. 366, § 178, eff. Oct. 1, 2018.

§37-600.10A. Renumbered as § 1-229.21 of Title 63 by Laws 2016, c. 366, § 179, eff. Oct. 1, 2018.

§37-600.11. Renumbered as § 1-229.22 of Title 63 by Laws 2016, c. 366, § 180, eff. Oct. 1, 2018.

§37-600.11a. Renumbered as § 1-229.23 of Title 63 by Laws 2016, c. 366, § 181, eff. Oct. 1, 2018.

§37-600.11b. Renumbered as § 1-229.24 of Title 63 by Laws 2016, c. 366, § 182, eff. Oct. 1, 2018.

§37-600.12. Renumbered as § 1-229.25 of Title 63 by Laws 2016, c. 366, § 183, eff. Oct. 1, 2018.

§37-600.13. Renumbered as § 1-229.26 of Title 63 by Laws 2016, c. 366, § 184, eff. Oct. 1, 2018.

§37-600.21. Legislative findings and policies concerning tobacco manufacturer liability - Master Settlement Agreement.

A. The Oklahoma Legislature finds that cigarette smoking presents serious public health concerns to the State of Oklahoma and its citizens. The Oklahoma Legislature also finds that:

1. The Surgeon General has determined that smoking causes lung cancer, heart disease and other serious diseases;
2. There are hundreds of thousands of tobacco-related deaths in the United States each year; and
3. These diseases most often do not appear until many years after the person in question begins smoking.

B. The Oklahoma Legislature further finds that cigarette smoking also presents serious financial concerns for the State of Oklahoma; that, under certain health care programs, the state may

have a legal obligation to provide medical assistance to eligible persons for health conditions associated with cigarette smoking; that those persons may have a legal entitlement to receive such medical assistance; and that, under these programs, the State of Oklahoma pays millions of dollars each year to provide medical assistance for those persons for health conditions associated with cigarette smoking.

C. The Oklahoma Legislature additionally finds that it is the policy of the State of Oklahoma that financial burdens imposed on the state by cigarette smoking should be borne by tobacco product manufacturers rather than by the State of Oklahoma to the extent that such manufacturers either determine to enter into a settlement with the state, or are found culpable by the courts; and that on November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement", with the state, which obligates these manufacturers, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to the state (tied in part to their volume of sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking.

D. The Oklahoma Legislature therefore finally finds that it would be contrary to the policy of the State of Oklahoma if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that the state will have an eventual source of recovery from them if they are proven to have acted culpably; and that it is thus in the interest of the State of Oklahoma to require that such manufacturers establish a reserve fund to guarantee a source of compensation and to prevent such manufacturers from deriving large, short-term profits and then becoming judgment-proof before liability may arise.

Added by Laws 1999, c. 357, § 1, eff. July 1, 1999. Renumbered as § 2315 of Title 62 by Laws 2016, c. 366, § 185, eff. Oct. 1, 2018.

Renumbered back to original number as § 600.21 of Title 37 by Laws 2018, c. 270, § 2 (see note for § 1 of c. 270 below).

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

NOTE: Laws 2018, c. 270, § 1 reads:

"SECTION 1. It is the intent of the Legislature with this act to recodify the recodification sections, specified in this act, in Enrolled Senate Bill No. 383 of the 2nd Session of the 55th Oklahoma Legislature. The result shall be for those sections of law to remain codified with the respective numbering

in Title 37 of the Oklahoma Statutes for the purpose of maintaining accuracy of the exhibits citing references to the aforementioned sections of law as part of the Master Settlement Agreement and the Non-Participating Manufacturer Adjustment Arbitration Settlement Agreement."

§37-600.22. Definitions.

When used in this act:

1. "Adjusted for inflation" means increased in accordance with the formula for inflation adjustment set forth in Exhibit C to the Master Settlement Agreement;

2. "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms "owns", "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of ten percent (10%) or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons;

3. "Allocable share" means allocable share as that term is defined in the Master Settlement Agreement;

4. "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

- a. any roll of tobacco wrapped in paper or in any substance not containing tobacco,
- b. tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette, or
- c. any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph a of this paragraph.

The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette", nine one-hundredths (0.09) of an ounce of "roll-your-own" tobacco shall constitute one individual "cigarette";

5. "Master Settlement Agreement" means the settlement agreement and related documents entered into on November 23, 1998, by the State of Oklahoma and leading United States tobacco product manufacturers;

6. "Qualified escrow fund" means an escrow arrangement with a federally or state-chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least One Billion Dollars (\$1,000,000,000.00) where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with Section 3 of this act;

7. "Released claims" means released claims as that term is defined in the Master Settlement Agreement;

8. "Releasing parties" means releasing parties as that term is defined in the Master Settlement Agreement;

9. "Tobacco product manufacturer" means an entity that after the effective date of this act directly, and not exclusively through any affiliate:

- a. manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer, as that term is defined in the Master Settlement Agreement, that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement, and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States),
- b. is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States, or
- c. becomes a successor of an entity described in subparagraph a or b.

The term "tobacco product manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of the provisions of subparagraphs a through c of this paragraph; and

10. "Units sold" means the number of individual cigarettes sold in the state by the applicable tobacco product manufacturer, whether directly or through a distributor, retailer or similar intermediary or intermediaries, during the year in question, as measured by excise taxes collected by the state on packs, or "roll-your-own" tobacco containers, bearing the excise tax stamp of the state. The Oklahoma Tax Commission shall promulgate such rules as are necessary

to ascertain the amount of state excise tax paid on the cigarettes of such tobacco product manufacturer for each year.

Added by Laws 1999, c. 357, § 2, eff. July 1, 1999. Renumbered as § 2316 of Title 62 by Laws 2016, c. 366, § 186, eff. Oct. 1, 2018.

Renumbered back to original number as § 600.22 of Title 37 by Laws 2018, c. 270, § 3 (see note for § 1 of c. 270 below).

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

NOTE: Laws 2018, c. 270, § 1 reads:

"SECTION 1. It is the intent of the Legislature with this act to recodify the recodification sections, specified in this act, in Enrolled Senate Bill No. 383 of the 2nd Session of the 55th Oklahoma Legislature. The result shall be for those sections of law to remain codified with the respective numbering in Title 37 of the Oklahoma Statutes for the purpose of maintaining accuracy of the exhibits citing references to the aforementioned sections of law as part of the Master Settlement Agreement and the Non-Participating Manufacturer Adjustment Arbitration Settlement Agreement."

§37-600.23. Participating manufacturers - Escrow deposits.

A. Any tobacco product manufacturer selling cigarettes to consumers within the state, whether directly or through a distributor, retailer or similar intermediary or intermediaries, after July 1, 1999, shall do one of the following:

1. Become a participating manufacturer, as that term is defined in Section II(jj) of the Master Settlement Agreement, and generally perform its financial obligations under the Master Settlement Agreement; or

2. Place into a qualified escrow fund, by April 15 of the year following the year in question, the following amounts, as such amounts are adjusted for inflation:

- a. 1999: ninety-four thousand two hundred forty-one one-hundred-thousandths of one cent (\$.0094241) per unit sold after July 1, 1999,
- b. 2000: one hundred four thousand seven hundred twelve one-hundred-thousandths of one cent (\$.0104712) per unit sold,
- c. for each of 2001 and 2002: one hundred thirty-six thousand one hundred twenty-five one-hundred-thousandths of one cent (\$.0136125) per unit sold,
- d. for each of 2003 through 2006: one hundred sixty-seven thousand five hundred thirty-nine one-hundred-thousandths of one cent (\$.0167539) per unit sold, and
- e. for each of 2007 and each year thereafter: one hundred eighty-eight thousand four hundred eighty-two one-hundred-thousandths of one cent (\$.0188482) per unit sold.

B. A tobacco product manufacturer that places funds into escrow pursuant to paragraph 2 of subsection A of this section shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances:

1. To pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the state or any releasing party located or residing in the state. Funds shall be released from escrow under this paragraph:

- a. in the order in which they were placed into escrow, and
- b. only to the extent and at the time necessary to make payments required under such judgment or settlement;

2. To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in this state in a particular year was greater than the Master Settlement Agreement payments, as determined pursuant to Section IX(i) of that Agreement, including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer, unless otherwise provided for by subsection C or D of this section; or

3. To the extent not released from escrow under paragraph 1 or 2 of this subsection, funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five (25) years after the date on which they were placed into escrow.

C. If this act, or any portion of the amendment to paragraph 2 of subsection B of this section made by this act, is held by a court of competent jurisdiction to be unconstitutional, then paragraph 2 of subsection B of this section shall have no force and effect.

D. If in accordance with the provisions of subsection C of this section, paragraph 2 of subsection B of this section shall have no force and effect because a court of competent jurisdiction found such provisions unconstitutional, and if, thereafter, a court of competent jurisdiction finds that subsection B of this section without the provisions of paragraph 2 of subsection B of this section is unconstitutional, then paragraph 2 of subsection B of this section shall be replaced by the provisions of paragraph 1 of this subsection.

1. To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow in a particular year was greater than the allocable share for the state of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to Section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in

Section IX(i)(3) of that Agreement other than the Inflation Adjustment) had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer.

2. Neither any holding of unconstitutionality nor the rendering of paragraph 2 of subsection B of this section to have no force and effect shall affect, impair or invalidate any other provision of this section, or the application of this section to any other person or circumstance, and the remaining portions of this section shall at all times continue in full force and effect.

E. Each tobacco product manufacturer that elects to place funds into escrow pursuant to paragraph 2 of subsection A of this section shall annually certify to the Attorney General that it is in compliance with paragraph 2 of subsection A of this section. The Attorney General may bring a civil action on behalf of the state against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall:

1. Be required within fifteen (15) days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of paragraph 2 of subsection A or this subsection of this section, may impose a civil penalty to be paid to the General Fund of the state in an amount not to exceed five percent (5%) of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed one hundred percent (100%) of the original amount improperly withheld from escrow;

2. In the case of a knowing violation, be required within fifteen (15) days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of paragraph 2 of subsection A or this subsection of this section, may impose a civil penalty to be paid to the General Fund of the state in an amount not to exceed fifteen percent (15%) of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed three hundred percent (300%) of the original amount improperly withheld from escrow; and

3. In the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the state, whether directly or through a distributor, retailer or similar intermediary, for a period not to exceed two (2) years.

Each failure to make an annual deposit required under this section shall constitute a separate violation.

Added by Laws 1999, c. 357, § 3, eff. July 1, 1999. Amended by Laws 2003, c. 401, § 1. Renumbered as § 2317 of Title 62 by Laws 2016, c. 366, § 187, eff. Oct. 1, 2018. Renumbered back to original

number as § 600.23 of Title 37 by Laws 2018, c. 270, § 4 (see note for § 1 of c. 270 below).

NOTE: Laws 2016, c. 366, was conditionally effective upon passage of State Question No. 792, Legislative Referendum No. 307, which was adopted at election held on Nov. 8, 2016.

NOTE: Laws 2003, c. 401, § 2 provides:

"The amendments to Section 600.23 of Title 37 of the Oklahoma Statutes made by Enrolled House Bill No. 1359 of the 1st Regular Session of the 49th Oklahoma Legislature shall become effective on January 1 of the year after:

1. Twenty-five states have enacted similar amendments to their laws on early release of funds from escrow accounts established in compliance with the statutes of other states that are similar to the escrow requirements of Sections 600.21 through 600.23 of Title 37 of the Oklahoma Statutes; and

2. The Attorney General certifies such fact to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Secretary of State."

The Oklahoma Attorney General, on October 15, 2004, certified that more than twenty-five states have enacted similar amendments to their laws on early release of funds from escrow accounts established in compliance with the statutes of those states that are similar to the escrow requirements of Section 600.21 through 600.23 of Title 37 of the Oklahoma Statutes.

NOTE: Laws 2018, c. 270, § 1 reads:

"SECTION 1. It is the intent of the Legislature with this act to recodify the recodification sections, specified in this act, in Enrolled Senate Bill No. 383 of the 2nd Session of the 55th Oklahoma Legislature. The result shall be for those sections of law to remain codified with the respective numbering in Title 37 of the Oklahoma Statutes for the purpose of maintaining accuracy of the exhibits citing references to the aforementioned sections of law as part of the Master Settlement Agreement and the Non-Participating Manufacturer Adjustment Arbitration Settlement Agreement."

§37-601. Renumbered as § 1-229.27 of Title 63 by Laws 2016, c. 366, § 188, eff. Oct. 1, 2018.

§37-602. Renumbered as § 1-229.28 of Title 63 by Laws 2016, c. 366, § 189, eff. Oct. 1, 2018.

§37-603. Renumbered as § 1-229.29 of Title 63 by Laws 2016, c. 366, § 190, eff. Oct. 1, 2018.

§37-604. Renumbered as § 1-229.30 of Title 63 by Laws 2016, c. 366, § 191, eff. Oct. 1, 2018.

§37-605. Renumbered as § 1-229.31 of Title 63 by Laws 2016, c. 366, § 192, eff. Oct. 1, 2018.

§37-606. Renumbered as § 1-229.32 of Title 63 by Laws 2016, c. 366, § 193, eff. Oct. 1, 2018.

§37-607. Repealed by Laws 2007, c. 62, § 32, emerg. eff. April 30, 2007.

§37-608. Renumbered as § 1-229.33 of Title 63 by Laws 2016, c. 366, § 194, eff. Oct. 1, 2018.

§37-609. Renumbered as § 1-229.34 of Title 63 by Laws 2016, c. 366, § 195, eff. Oct. 1, 2018.