

1 ENGROSSED HOUSE  
2 BILL NO. 3615

By: Ford of the House

3 and

4 Rosino of the Senate

5  
6 An Act relating to public health; amending 63 O.S.  
7 2021, Section 1-229.35, which relates to vapor  
8 manufacturers reporting; changing compliance  
9 deadline; and declaring an emergency.  
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-229.35, is  
13 amended to read as follows:

14 Section 1-229.35 A. Beginning July 1, ~~2022~~ 2023, every  
15 manufacturer of a vapor product that is sold or intended to be sold  
16 in this state, whether directly or through a distributor, retailer,  
17 or similar intermediary or intermediaries, shall execute and deliver  
18 an attestation under penalty of perjury to the Oklahoma Alcoholic  
19 Beverage Laws Enforcement (ABLE) Commission certifying that, as of  
20 the date of such attestation:

21 1. The vapor product was available for purchase in the United  
22 States as of August 8, 2016, and the manufacturer has applied for a  
23 marketing order for the vapor product by submitting a Premarket  
24

1 Tobacco Product Application on or before September 9, 2020, to the  
2 United States Food and Drug Administration (FDA); or

3 2. The manufacturer has received a marketing order or other  
4 authorization for the vapor product from the FDA pursuant to Section  
5 387j of Title 21 of the United States Code.

6 B. The manufacturer shall notify the ABLE Commission within  
7 thirty (30) days of any material change to the attestation,  
8 including whether the FDA has issued or not issued a market order or  
9 other authorization or has ordered the manufacturer to remove the  
10 vapor product, either temporarily or permanently, from the United  
11 States market.

12 C. The ABLE Commission shall develop a directory listing all of  
13 the manufacturers that have provided attestations that comply with  
14 subsection A of this section and all vapor products that are listed  
15 in such attestations. The ABLE Commission shall:

16 1. Make the directory available for public inspection on its  
17 website on or before October 1, ~~2022~~ 2023; and

18 2. Update the directory as necessary to correct mistakes and to  
19 add or remove manufacturers or vapor products to maintain the  
20 directory in conformity with the requirements of this section.

21 D. 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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