

1 **SENATE FLOOR VERSION**

2 April 13, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2165

By: Roe and Waldron of the
House

5 and

6 Coleman and Garvin of the
7 Senate

8
9 An Act relating to children; amending 10A O.S. 2021,
10 Section 2-8-224, as amended by Section 1, Chapter
11 261, O.S.L. 2022 (10A O.S. Supp. 2022, Section 2-8-
12 224), which relates to tobacco products; setting fine
13 amounts; requiring violator to attend program or
14 class; permitting cities and towns to enact
15 ordinances; authorizing police officers to enforce
16 ordinances; and providing an effective date.

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

18 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-8-224, as
19 amended by Section 1, Chapter 261, O.S.L. 2022 (10A O.S. Supp. 2022,
20 Section 2-8-224), is amended to read as follows:

21 Section 2-8-224. A. It is unlawful for a person who is under
22 twenty-one (21) years of age to purchase, receive, or have in his or
23 her possession a tobacco product, nicotine product or vapor product,
24 or to present or offer to any person any purported proof of age
which is false or fraudulent, for the purpose of purchasing or
receiving any tobacco product, nicotine product or vapor product.

1 It shall not be unlawful for an employee under twenty-one (21) years
2 of age to handle tobacco products, nicotine products or vapor
3 products when required in the performance of the employee's duties.

4 B. When a person violates subsection A of this section, ~~the~~
5 ~~Alcoholic Beverage Laws Enforcement (ABLE) Commission shall require~~
6 the violator ~~to~~ shall complete an education or tobacco use cessation
7 program approved by the ~~State Department of Health~~ court. If the
8 violator fails to complete the tobacco use cessation program ordered
9 by the court, a fine may be imposed that shall not exceed Fifty
10 Dollars (\$50.00) for a first offense or One Hundred Dollars
11 (\$100.00) for subsequent offenses. The violator may also be
12 required to complete a community service program or other
13 appropriate programs or services as ordered by the court. The court
14 shall have jurisdiction over the violator for twelve (12) months
15 following sentencing to ensure all programs and orders of the court
16 are followed.

17 C. The ABLE Commission shall establish rules to provide for
18 notification to a parent or guardian of any minor cited for a
19 violation of this section.

20 D. Cities and towns may enact and municipal police officers may
21 enforce ordinances prohibiting and penalizing conduct in violation
22 of this section.

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1 E. For the purposes of this section, the term "vapor products"
2 shall have the same meaning as provided in the Prevention of Youth
3 Access to Tobacco Act.

4 SECTION 2. This act shall become effective November 1, 2023.

5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
6 April 13, 2023 - DO PASS

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