

1 **SENATE FLOOR VERSION**

2 February 23, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 215

6 By: Garvin

7 An Act relating to the Oklahoma Juvenile Code;
8 amending 10A O.S. 2021, Section 2-8-224, as amended
9 by Section 1, Chapter 261, O.S.L. 2022 (10A O.S.
10 Supp. 2022, Section 2-8-224), which relates to
11 purchase, receipt, or possession of tobacco or vapor
12 products by those under 21; broadening entities who
13 may conduct certain program; authorizing enactment
14 and enforcement of certain municipal ordinances;
15 limiting amount of certain fine; requiring offender
16 to complete certain educational program; granting
17 certain powers to municipal judge; and providing an
18 effective date.

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

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

23 Section 2-8-224. A. It is unlawful for a person who is under
24 twenty-one (21) years of age to purchase, receive, or have in his or
her possession a tobacco product, nicotine product or vapor product,
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 conducted by:

8 1. The Alcoholic Beverage Laws Enforcement (ABLE) Commission
9 and approved by the State Department of Health; or

10 2. A municipality.

11 C. The ABLE Commission shall establish rules to provide for
12 notification to a parent or guardian of any minor cited for a
13 violation of this section.

14 D. Cities and towns may enact ordinances prohibiting and
15 penalizing conduct in violation of subsection A of this section.

16 Any fine imposed for a violation of subsection A of this section
17 shall not exceed Fifty Dollars (\$50.00) for a first offense or One

18 Hundred Dollars (\$100.00) for a subsequent offense. An offender
19 found to be in violation of subsection A of this section shall

20 complete an educational program designed to deter the unlawful

21 conduct. The municipal judge may order the offender to complete

22 community service or to undergo services as determined by the judge.

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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 GENERAL GOVERNMENT
6 February 23, 2023 - DO PASS AS AMENDED BY CS

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