

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 501

By: Garvin

4
5 An Act relating to smoking in an automobile with a
6 minor; creating certain fine; requiring deposit of
7 proceeds in certain fund; defining certain terms;
8 providing for codification; and providing an
9 effective date.

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1248 of Title 21, unless there
13 is created a duplication in numbering, reads as follows:

14 A. There shall be a fine assessed at no more than One Hundred
15 Dollars (\$100.00) and no less than Fifty Dollars (\$50.00) for any
16 person who knowingly smokes tobacco, marijuana, or uses a vapor
17 product in an automobile where a minor is present. Proceeds from
18 the assessed fine shall be deposited into the Tobacco Prevention and
19 Cessation Revolving Fund created in Section 1-105d of Title 63 of
20 the Oklahoma Statues.

21 B. As used in this act:

22 1. "Automobile" shall mean every motor vehicle of the type
23 constructed and used for the transportation of persons for purposes
24 other than for hire or compensation. This shall include all
vehicles of the station wagon type whether the same are called

1 station wagons, ranch wagons, or van wagons, except those used for
2 commercial purposes, suburbans, town and country, or by any other
3 name, except when owned and used as a school bus or motor bus by a
4 school district, a religious corporation, or society as elsewhere
5 provided by law;

6 2. "Marijuana" shall mean all parts of the plant Cannabis
7 sativa L., whether growing or not; the seeds thereof; the resin
8 extracted from any part of such plant; and every compound,
9 manufacture, salt, derivative, mixture, or preparation of such
10 plant, its seeds, or resin; and

11 3. "Vapor products" shall mean noncombustible products, that
12 may or may not contain nicotine, that employ a mechanical heating
13 element, battery, electronic circuit, or other mechanism, regardless
14 of shape or size, that can be used to produce a vapor in a solution
15 or other form. Vapor products shall include any vapor cartridge or
16 other container, with or without nicotine, that is intended to be
17 used with or in an electronic cigarette, electronic cigar,
18 electronic cigarillo, electronic pipe, or a similar product or
19 device. Vapor products do not include any products regulated by the
20 United States Food and Drug Administration under Chapter V of the
21 Food, Drug, and Cosmetic Act.

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

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
24 February 9, 2023 - DO PASS