

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1432

By: Loring

4
5
6 AS INTRODUCED

7 An Act relating to tobacco; amending 37 O.S. 2011,
8 Sections 600.2, 600.3, 600.5, 600.6, 600.7, 600.8,
9 600.10A, 600.11 and 600.13, as amended by Sections 3,
10 4, 6, 7, 8, 9, 11, 12 and 13, Chapter 162, O.S.L.
11 2014, and as renumbered by Sections 171, 172, 173,
12 174, 175, 176, 179, 180 and 184, Chapter 366, O.S.L.
13 2016 (63 O.S. Supp. 2018, Sections 1-229.12, 1-
14 229.13, 1-229.15, 1-229.16, 1-229.17, 1-229.18, 1-
15 229.21, 1-229.22 and 1-229.26) and 37 O.S. 2011,
16 Section 600.4, as renumbered by Section 28, Chapter
17 404, O.S.L. 2013, and as amended by Section 5,
18 Chapter 162, O.S.L. 2014 (10A O.S. Supp. 2018,
19 Section 2-8-224), which relate to the Prevention of
20 Youth Access to Tobacco Act; prohibiting the sale of
21 tobacco products or vapor product to persons under
22 twenty-one years of age; conforming references to
23 age; and providing an effective date.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 37 O.S. 2011, Section 600.2, as
amended by Section 3, Chapter 162, O.S.L. 2014, and as renumbered by
Section 171, Chapter 366, O.S.L. 2016 (63 O.S. Supp. 2018, Section
1-229.12), is amended to read as follows:

Section 1-229.12 As used in the Prevention of Youth Access to
Tobacco Act:

- 1 1. "Person" means any individual, firm, fiduciary, partnership,
2 corporation, trust, or association, however formed;
- 3 2. "Proof of age" means a driver license, license for
4 identification only, or other generally accepted means of
5 identification that describes the individual as ~~eighteen (18)~~
6 twenty-one (21) years of age or older and contains a photograph or
7 other likeness of the individual and appears on its face to be
8 valid;
- 9 3. "Sample" means a tobacco product or vapor product
10 distributed to members of the public at no cost for the purpose of
11 promoting the product;
- 12 4. "Sampling" means the distribution of samples to members of
13 the public in a public place;
- 14 5. "Tobacco product" means any product that contains tobacco
15 and is intended for human consumption;
- 16 6. "Transaction scan" means the process by which a seller
17 checks, by means of a transaction scan device, the validity of a
18 driver license or other government-issued photo identification;
- 19 7. "Transaction scan device" means any commercial device or
20 combination of devices used at a point of sale or entry that is
21 capable of deciphering in an electronically readable format the
22 information encoded on the magnetic strip or bar code of a driver
23 license or other government-issued photo identification; and
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1 8. "Vapor product" ~~shall mean~~ means any noncombustible ~~products~~
2 product, that may or may not contain nicotine, that ~~employ~~ employs a
3 mechanical heating element, battery, electronic circuit, or other
4 mechanism, regardless of shape or size, that can be used to produce
5 a vapor in a solution or other form. "Vapor ~~products~~ product" shall
6 include any vapor cartridge or other container with or without
7 nicotine or other form that is intended to be used with an
8 electronic cigarette, electronic cigar, electronic cigarillo,
9 electronic pipe, or similar product or device and any vapor
10 cartridge or other container of a solution, that may or may not
11 contain nicotine, that is intended to be used with or in an
12 electronic cigarette, electronic cigar, electronic cigarillo or
13 electronic device. "Vapor ~~products~~ product" ~~do~~ does not include any
14 products regulated by the United States Food and Drug Administration
15 under Chapter V of the Food, Drug, and Cosmetic Act.

16 SECTION 2. AMENDATORY 37 O.S. 2011, Section 600.3, as
17 amended by Section 4, Chapter 162, O.S.L. 2014, and as renumbered by
18 Section 172, Chapter 366, O.S.L. 2016 (63 O.S. Supp. 2018, Section
19 1-229.13), is amended to read as follows:

20 Section 1-229.13 A. It is unlawful for any person to sell,
21 give or furnish in any manner any tobacco product or vapor product
22 to another person who is under ~~eighteen (18)~~ twenty-one (21) years
23 of age, or to purchase in any manner a tobacco product or vapor
24 product on behalf of any such person. It shall not be unlawful for

1 an employee under ~~eighteen (18)~~ twenty-one (21) years of age to
2 handle tobacco products or vapor products when required in the
3 performance of the employee's duties.

4 B. A person engaged in the sale or distribution of tobacco
5 products or vapor products shall demand proof of age from a
6 prospective purchaser or recipient if an ordinary person would
7 conclude on the basis of appearance that the prospective purchaser
8 may be under ~~eighteen (18)~~ twenty-one (21) years of age.

9 If an individual engaged in the sale or distribution of tobacco
10 products or vapor products has demanded proof of age from a
11 prospective purchaser or recipient who is not under ~~eighteen (18)~~
12 twenty-one (21) years of age, the failure to subsequently require
13 proof of age shall not constitute a violation of this subsection.

14 C. 1. When a person violates subsection A or B of this
15 section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission
16 shall impose an administrative fine of:

- 17 a. not more than One Hundred Dollars (\$100.00) for the
18 first offense,
- 19 b. not more than Two Hundred Dollars (\$200.00) for the
20 second offense within a two-year period following the
21 first offense,
- 22 c. not more than Three Hundred Dollars (\$300.00) for a
23 third offense within a two-year period following the
24 first offense. In addition to any other penalty, the

1 store's license to sell tobacco products or the
2 store's sales tax permit for a store that is
3 predominantly engaged in the sale of vapor products in
4 which the sale of other products is merely incidental
5 may be suspended for a period not exceeding thirty
6 (30) days, or

7 d. not more than Three Hundred Dollars (\$300.00) for a
8 fourth or subsequent offense within a two-year period
9 following the first offense. In addition to any other
10 penalty, the store's license to sell tobacco products
11 or the store's sales tax permit for a store that is
12 predominantly engaged in the sale of vapor products in
13 which the sale of other products is merely incidental
14 may be suspended for a period not exceeding sixty (60)
15 days.

16 2. When it has been determined that a penalty shall include a
17 license or permit suspension, the ABLE Commission shall notify the
18 Oklahoma Tax Commission, and the Oklahoma Tax Commission shall
19 suspend the store's license to sell tobacco products or the store's
20 sales tax permit for a store that is predominantly engaged in the
21 sale of vapor products in which the sale of other products is merely
22 incidental at the location where the offense occurred for the period
23 of time prescribed by the ABLE Commission.

1 3. Proof that the defendant demanded, was shown, and reasonably
2 relied upon proof of age shall be a defense to any action brought
3 pursuant to this section. A person cited for violating this section
4 shall be deemed to have reasonably relied upon proof of age, and
5 such person shall not be found guilty of the violation if such
6 person proves that:

7 a. the individual who purchased or received the tobacco
8 product or vapor product presented a driver license or
9 other government-issued photo identification
10 purporting to establish that such individual was
11 ~~eighteen (18)~~ twenty-one (21) years of age or older,
12 or

13 b. the person cited for the violation confirmed the
14 validity of the driver license or other government-
15 issued photo identification presented by such
16 individual by performing a transaction scan by means
17 of a transaction scan device.

18 Provided, that this defense shall not relieve from liability any
19 person cited for a violation of this section if the person failed to
20 exercise reasonable diligence to determine whether the physical
21 description and picture appearing on the driver license or other
22 government-issued photo identification was that of the individual
23 who presented it. The availability of the defense described in this
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1 subsection does not affect the availability of any other defense
2 under any other provision of law.

3 D. If the sale is made by an employee of the owner of a store
4 at which tobacco products or vapor products are sold at retail, the
5 employee shall be guilty of the violation and shall be subject to
6 the fine. Each violation by any employee of an owner of a store
7 licensed to sell tobacco products or permitted to sell vapor
8 products shall be deemed a violation against the owner for purposes
9 of a license suspension pursuant to subsection C of this section.
10 Each violation by an employee of a store predominantly engaged in
11 the sale of vapor products in which the sale of other products is
12 merely incidental shall be deemed a violation against the owner for
13 purposes of a sales tax permit suspension pursuant to the provisions
14 of subsection C of this section. An owner of a store licensed to
15 sell tobacco products or permitted to sell vapor products shall not
16 be deemed in violation of the provisions of the Prevention of Youth
17 Access to Tobacco Act for any acts constituting a violation by any
18 person, when the violation occurs prior to actual employment of the
19 person by the store owner or the violation occurs at a location
20 other than the owner's retail store. For purposes of determining
21 the liability of a person controlling franchises or business
22 operations in multiple locations, for any violations of subsection A
23 or B of this section, each individual franchise or business location
24 shall be deemed a separate entity.

1 E. On or before December 15, 1997, the ABLE Commission shall
2 adopt rules establishing a method of notification of storeowners
3 when one of their employees has been determined to be in violation
4 of this section by the ABLE Commission or convicted of a violation
5 by a municipality.

6 F. 1. Upon failure of the employee to pay the administrative
7 fine within ninety (90) days of the day of the assessment of such
8 fine, the ABLE Commission shall notify the Department of Public
9 Safety, and the Department shall suspend or not issue a driver
10 license to the employee until proof of payment has been furnished to
11 the Department of Public Safety.

12 2. Upon failure of a storeowner to pay the administrative fine
13 within ninety (90) days of the assessment of the fine, the ABLE
14 Commission shall notify the Oklahoma Tax Commission, and the
15 Oklahoma Tax Commission shall suspend the store's license to sell
16 tobacco products or the store's sales tax permit for a store that is
17 predominantly engaged in the sale of vapor products in which the
18 sale of other products is merely incidental until proof of payment
19 has been furnished to the Oklahoma Tax Commission.

20 G. Cities and towns may enact and municipal police officers may
21 enforce ordinances prohibiting and penalizing conduct under
22 provisions of this section, but the provisions of municipal
23 ordinances shall be the same as provided for in this section, and
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1 the penalty provisions under such ordinances shall not be more
2 stringent than those of this section.

3 H. County sheriffs may enforce the provisions of the Prevention
4 of Youth Access to Tobacco Act.

5 SECTION 3. AMENDATORY 37 O.S. 2011, Section 600.5, as
6 amended by Section 6, Chapter 162, O.S.L. 2014, and as renumbered by
7 Section 173, Chapter 366, O.S.L. 2016 (63 O.S. Supp. 2018, Section
8 1-229.15), is amended to read as follows:

9 Section 1-229.15 A. Every person who sells or displays tobacco
10 products or vapor products at retail shall post conspicuously and
11 keep so posted at the place of business a sign, as specified by the
12 Alcoholic Beverage Laws Enforcement (ABLE) Commission, stating the
13 following: "IT'S THE LAW. WE DO NOT SELL TOBACCO PRODUCTS OR VAPOR
14 PRODUCTS TO PERSONS UNDER ~~18~~ 21 YEARS OF AGE". The sign shall also
15 provide the toll-free number operated by the ~~Alcoholic Beverage Laws~~
16 ~~Enforcement~~ (ABLE) Commission for the purpose of reporting
17 violations of the Prevention of Youth Access to Tobacco Act.

18 B. When a person violates subsection A of this section, the
19 ~~Alcoholic Beverage Laws Enforcement~~ (ABLE) Commission shall impose
20 an administrative fine of not more than Fifty Dollars (\$50.00) for
21 each day a violation occurs. Each day a violation is continuing
22 shall constitute a separate offense. The notice required by
23 subsection A of this section shall be the only notice required to be
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1 posted or maintained in any store that sells tobacco products or
2 vapor products at retail.

3 SECTION 4. AMENDATORY 37 O.S. 2011, Section 600.6, as
4 amended by Section 7, Chapter 162, O.S.L. 2014, and as renumbered by
5 Section 174, Chapter 366, O.S.L. 2016 (63 O.S. Supp. 2018, Section
6 1-229.16), is amended to read as follows:

7 Section 1-229.16 A. Every person engaged in the business of
8 selling tobacco products or vapor products at retail shall notify
9 each individual employed by that person as a retail sales clerk that
10 state law:

11 1. Prohibits the sale or distribution of tobacco products or
12 vapor products to any person under ~~eighteen (18)~~ twenty-one (21)
13 years of age and the purchase or receipt of tobacco products or
14 vapor products by any person under ~~eighteen (18)~~ twenty-one (21)
15 years of age; and

16 2. Requires that proof of age be demanded from a prospective
17 purchaser or recipient if an ordinary person would conclude on the
18 basis of appearance that the prospective purchaser or recipient may
19 be under ~~eighteen (18)~~ twenty-one (21) years of age.

20 B. This notice shall be provided before the individual
21 commences work as a retail sales clerk. The individual shall
22 signify that he or she has received the notice required by this
23 section by signing a form stating as follows:

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1 "I understand that state law prohibits the sale or distribution of
2 tobacco products or vapor products to persons under ~~eighteen (18)~~
3 twenty-one (21) years of age and out-of-package sales, and requires
4 proof of age of purchaser or recipient if an ordinary person would
5 conclude on the basis of appearance that the prospective purchaser
6 or recipient may be under ~~eighteen (18)~~ twenty-one (21) years of
7 age. I promise, as a condition of my employment, to obey the law.
8 I understand that violations by me may be punishable by fines,
9 suspension or nonissuance of my driver license. In addition, I
10 understand that violations by me may subject the storeowner to fines
11 or license or permit suspension."

12 SECTION 5. AMENDATORY 37 O.S. 2011, Section 600.7, as
13 amended by Section 8, Chapter 162, O.S.L. 2014, and as renumbered by
14 Section 175, Chapter 366, O.S.L. 2016 (63 O.S. Supp. 2018, Section
15 1-229.17), is amended to read as follows:

16 Section 1-229.17 It shall be unlawful for any person to sell
17 tobacco products or vapor products through a vending machine unless
18 the vending machine is located:

19 1. In areas of factories, businesses, offices or other places
20 that are not open to the public; and

21 2. In places that are open to the public, but to which persons
22 under ~~eighteen (18)~~ twenty-one (21) years of age are not admitted.

23 SECTION 6. AMENDATORY 37 O.S. 2011, Section 600.8, as
24 amended by Section 9, Chapter 162, O.S.L. 2014, and as renumbered by

1 Section 176, Chapter 366, O.S.L. 2016 (63 O.S. Supp. 2018, Section
2 1-229.18), is amended to read as follows:

3 Section 1-229.18 A. It shall be unlawful for any person or
4 retailer to distribute tobacco products, vapor products or product
5 samples to any person under ~~eighteen (18)~~ twenty-one (21) years of
6 age.

7 B. No person shall distribute tobacco products, vapor products
8 or product samples in or on any public street, sidewalk, or park
9 that is within three hundred (300) feet of any playground, school,
10 or other facility when the facility is being used primarily by
11 persons under ~~eighteen (18)~~ twenty-one (21) years of age.

12 C. When a person violates any provision of subsection A or B of
13 this section, the Alcoholic Beverage Laws Enforcement (ABLE)
14 Commission shall impose an administrative fine of:

15 1. Not more than One Hundred Dollars (\$100.00) for the first
16 offense;

17 2. Not more than Two Hundred Dollars (\$200.00) for the second
18 offense; and

19 3. Not more than Three Hundred Dollars (\$300.00) for a third or
20 subsequent offense.

21 D. Upon failure of any person to pay an administrative fine
22 within ninety (90) days of the assessment of the fine, the ABLE
23 Commission shall notify the Department of Public Safety, and the
24 Department shall suspend or not issue a driver license to the person

1 until proof of payment has been furnished to the Department of
2 Public Safety.

3 E. Cities and towns may enact and municipal police officers may
4 enforce ordinances prohibiting and penalizing conduct under
5 provisions of this section, but the provisions of municipal
6 ordinances shall be the same as provided for in this section, and
7 the penalty provisions under such ordinances shall not be more
8 stringent than those of this section.

9 SECTION 7. AMENDATORY 37 O.S. 2011, Section 600.10A, as
10 amended by Section 11, Chapter 162, O.S.L. 2014, and as renumbered
11 by Section 179, Chapter 366, O.S.L. 2016 (63 O.S. Supp. 2018,
12 Section 1-229.21), is amended to read as follows:

13 Section 1-229.21 A. It is unlawful for any person or retail
14 store to display or offer for sale tobacco products or vapor
15 products in any manner that allows public access to the tobacco
16 products or vapor products without assistance from the person
17 displaying the tobacco products or vapor products or an employee or
18 the owner of the store. The provisions of this subsection shall not
19 apply to retail stores which do not admit into the store persons
20 under ~~eighteen (18)~~ twenty-one (21) years of age.

21 B. When a person violates subsection A of this section, the
22 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
23 an administrative fine of not more than Two Hundred Dollars
24 (\$200.00) for each offense.

1 C. Cities and towns may enact and municipal police officers may
2 enforce ordinances prohibiting and penalizing conduct under
3 provisions of this section, but the provisions of municipal
4 ordinances shall be the same as provided for in this section, and
5 the penalty provisions under such ordinances shall not be more
6 stringent than those of this section.

7 SECTION 8. AMENDATORY 37 O.S. 2011, Section 600.11, as
8 amended by Section 12, Chapter 162, O.S.L. 2014, and as renumbered
9 by Section 180, Chapter 366, O.S.L. 2016 (63 O.S. Supp. 2018,
10 Section 1-229.22), is amended to read as follows:

11 Section 1-229.22 A. The Alcoholic Beverage Laws Enforcement
12 (ABLE) Commission is authorized and empowered to enforce the
13 provisions of Sections 600.1 et seq. of this title. The ABLE
14 Commission shall enforce those provisions in a manner that can
15 reasonably be expected to reduce the extent to which tobacco
16 products or vapor products are sold or distributed to persons under
17 ~~eighteen (18)~~ twenty-one (21) years of age.

18 B. The ABLE Commission may consider mitigating or aggravating
19 circumstances involved with the violation of the Prevention of Youth
20 Access to Tobacco Act when assessing penalties.

21 C. Any conviction for a violation of a municipal ordinance
22 authorized by the Prevention of Youth Access to Tobacco Act and any
23 compliance checks by a municipal police officer or a county sheriff
24 pursuant to subsection E of this section shall be reported in

1 writing to the ABLE Commission within thirty (30) days of such
2 conviction or compliance check. Such reports shall be compiled in
3 the manner prescribed by the ABLE Commission.

4 D. For the purpose of determining second or subsequent
5 violations, both the offenses penalized by the ABLE Commission as
6 administrative fines and the offenses penalized by municipalities
7 and towns and reported to the ABLE Commission, shall be considered
8 together in such determination.

9 E. Persons under ~~eighteen (18)~~ twenty-one (21) years of age may
10 be enlisted by the ABLE Commission, a municipality or town, or a
11 county to assist in compliance checks and enforcement; provided,
12 such persons may be used to test compliance only if written parental
13 consent has been provided and the testing is conducted under the
14 direct supervision of the ABLE Commission or conducted by another
15 law enforcement agency if such agency has given written notice to
16 the ABLE Commission in the manner prescribed by the ABLE Commission.
17 Municipalities which have enacted municipal ordinances in accordance
18 with the Prevention of Youth Access to Tobacco Act may conduct,
19 pursuant to rules of the ABLE Commission, compliance checks without
20 prior notification to the ABLE Commission and shall be exempt from
21 the written notice requirement in this subsection. This subsection
22 shall not apply to the use of persons under ~~eighteen (18)~~ twenty-one
23 (21) years of age to test compliance if the compliance test is being
24 conducted by or on behalf of a retailer of cigarettes, as defined in

1 Section 301 of Title 68 of the Oklahoma Statutes, at any location
2 the retailer of cigarettes is authorized to sell cigarettes. Any
3 other use of persons under ~~eighteen (18)~~ twenty-one (21) years of
4 age to test compliance shall be unlawful and punishable by the ABLE
5 Commission by assessment of an administrative fine of One Hundred
6 Dollars (\$100.00).

7 F. At the beginning of each month, the Oklahoma Tax Commission,
8 pursuant to Section 205 of Title 68 of the Oklahoma Statutes, shall
9 provide to the ABLE Commission and to each municipality which has
10 ordinances concerning the Prevention of Youth Access to Tobacco Act,
11 the location, name, and address of each licensee licensed to sell
12 tobacco products or vapor products at retail or otherwise furnish
13 tobacco products or vapor products. Upon violation of an employee
14 at a location, the ABLE Commission shall notify the storeowner for
15 that location of the latest and all previous violations when one of
16 their employees has been determined to be in violation of the
17 Prevention of Youth Access to Tobacco Act by the ABLE Commission or
18 convicted of a violation by a municipality. If the ABLE Commission
19 fails to notify the licensee of a violation by an employee, that
20 violation shall not apply against the licensee for the purpose of
21 determining a license suspension pursuant to Section 600.3 of this
22 title. For purposes of this subsection, notification shall be
23 deemed given if the ABLE Commission mails, by mail with delivery
24 confirmation, the notification to the address which is on file with

1 the Oklahoma Tax Commission of the licensee or sales tax permit
2 holder of the location at which the violation occurred and the ABLE
3 Commission receives delivery confirmation from the U.S. Postal
4 Service.

5 G. Upon request of a storeowner or a municipality which has
6 enacted ordinances in accordance with the Prevention of Youth Access
7 to Tobacco Act, the ABLE Commission is hereby authorized to provide
8 information on any Prevention of Youth Access to Tobacco Act offense
9 of any applicant for employment or employee of the storeowner.

10 H. The ABLE Commission shall prepare for submission annually to
11 the Secretary of the United States Department of Health and Human
12 Services, the report required by Section 1926 of the federal Public
13 Health Service Act (42 U.S.C. 300-26), and otherwise shall be
14 responsible for ensuring the state's compliance with that provision
15 of federal law and any implementing of regulations promulgated by
16 the United States Department of Health and Human Services.

17 SECTION 9. AMENDATORY 37 O.S. 2011, Section 600.13, as
18 amended by Section 13, Chapter 162, O.S.L. 2014, and as renumbered
19 by Section 184, Chapter 366, O.S.L. 2016 (63 O.S. Supp. 2018,
20 Section 1-229.26), is amended to read as follows:

21 Section 1-229.26 A. It is unlawful for any person to sell,
22 give or furnish in any manner to another person who is under
23 ~~eighteen (18)~~ twenty-one (21) years of age any material or device
24 used in the smoking, chewing, or other method of consumption of

1 tobacco products or vapor products, including cigarette papers,
2 pipes, holders of smoking materials of all types, and other items
3 designed primarily for the smoking or ingestion of tobacco products
4 or vapor products.

5 B. When a person violates subsection A of this section, the
6 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
7 an administrative fine of not more than One Hundred Dollars
8 (\$100.00) for each offense.

9 SECTION 10. AMENDATORY 37 O.S. 2011, Section 600.4, as
10 renumbered by Section 28, Chapter 404, O.S.L. 2013, and as amended
11 by Section 5, Chapter 162, O.S.L. 2014 (10A O.S. Supp. 2018, Section
12 2-8-224), is amended to read as follows:

13 Section 2-8-224. A. It is unlawful for a person who is under
14 ~~eighteen (18)~~ twenty-one (21) years of age to purchase, receive, or
15 have in his or her possession a tobacco product, or vapor product,
16 or to present or offer to any person any purported proof of age
17 which is false or fraudulent, for the purpose of purchasing or
18 receiving any tobacco product or vapor product. It shall not be
19 unlawful for an employee under ~~eighteen (18)~~ twenty-one (21) years
20 of age to handle tobacco products or vapor products when required in
21 the performance of the employee's duties.

22 B. When a person violates subsection A of this section, the
23 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall impose
24 an administrative fine of:

1 1. Not to exceed One Hundred Dollars (\$100.00) for a first
2 offense; and

3 2. Not to exceed Two Hundred Dollars (\$200.00) for a second or
4 subsequent offense within a one-year period following the first
5 offense.

6 Upon failure of the individual to pay the administrative fine
7 within ninety (90) days of the day of the fine, the ABLE Commission
8 shall notify the Department of Public Safety, and the Department
9 shall suspend or not issue a driver license to the individual until
10 proof of payment has been furnished to the Department of Public
11 Safety.

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

15 D. Cities and towns may enact and municipal police officers may
16 enforce ordinances prohibiting and penalizing conduct under
17 provisions of this section, but the provisions of such ordinances
18 shall be the same as provided for in this section, and the
19 enforcement provisions under such ordinances shall not be more
20 stringent than those of this section.

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

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SECTION 11. This act shall become effective November 1, 2019.

57-1-5672 SH 12/17/18