

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 2165

By: Roe

6 COMMITTEE SUBSTITUTE

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

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

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

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

It shall not be unlawful for an employee under twenty-one (21) years

1 of age to handle tobacco products, nicotine products or vapor  
2 products when required in the performance of the employee's duties.

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

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

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

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

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

59-1-7776 CMA 02/23/23