

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3315

By: Roe

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to tobacco products; amending 10A  
10 O.S. 2021, Section 2-8-224, which relates to underage  
11 tobacco use; modifying penalty; and providing an  
12 effective date.

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

14           SECTION 1.           AMENDATORY           10A O.S. 2021, Section 2-8-224, is  
15 amended to read as follows:

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

1 B. When a person violates subsection A of this section, the  
2 Alcoholic Beverage Laws Enforcement (ABLE) Commission shall ~~impose~~  
3 ~~an administrative fine:~~

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

6 ~~2. Not to exceed Two Hundred Dollars (\$200.00) for a second or~~  
7 ~~subsequent offense within a one year period following the first~~  
8 ~~offense.~~

9 ~~Upon failure of the individual to pay the administrative fine~~  
10 ~~within ninety (90) days of the day of the fine, the ABLE Commission~~  
11 ~~shall notify the Department of Public Safety, and the Department~~  
12 ~~shall suspend or not issue a driver license to the individual until~~  
13 ~~proof of payment has been furnished to the Department of Public~~  
14 ~~Safety require the violator to complete an education or tobacco use~~  
15 ~~cessation program approved by the State Department of Health.~~

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 under~~  
21 ~~provisions of this section, but the provisions of such ordinances~~  
22 ~~shall be the same as provided for in this section, and the~~  
23 ~~enforcement provisions under such ordinances shall not be more~~  
24 ~~stringent than those of this section.~~

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, 2022.

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6 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
7 SUBSTANCES, dated 03/03/2022 - DO PASS, As Amended.  
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