HB2036 FA1 FordRo-KN
3/21/2022 10:28:30 am

# FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2036
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Ross Ford

Adopted: _____

_____
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

FLOOR SUBSTITUTE
FOR
HOUSE BILL NO. 2036 By: Ford of the House

and

Bergstrom of the Senate

FLOOR SUBSTITUTE

An Act relating to public health; amending 63 O.S. 2021, Section 1-229.35, which relates to vapor product reporting; modifying compliance deadlines; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-229.35, is amended to read as follows:

Section 1-229.35 A. Beginning July 1, ~~2022~~ 2023, every manufacturer of a vapor product that is sold or intended to be sold in this state, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, shall execute and deliver an attestation under penalty of perjury to the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission certifying that, as of the date of such attestation:

1. The vapor product was available for purchase in the United States as of August 8, 2016, and the manufacturer has applied for a marketing order for the vapor product by submitting a Premarket Tobacco Product Application on or before September 9, 2020, to the United States Food and Drug Administration (FDA)~~; or~~ and either:

a. the Premarket Tobacco Product Application remains pending before the FDA; or

b. the FDA has issued a marketing denial order, but the order has been stayed by the FDA pending administrative review or stayed by a court of law pending an appeal of the order;

2. The manufacturer has received a marketing order or other authorization for the vapor product from the FDA pursuant to Section 387j of Title 21 of the United States Code.

B. The manufacturer shall notify the ABLE Commission within thirty (30) days of any material change to the attestation, including whether the FDA has issued or not issued a market order or other authorization or has ordered the manufacturer to remove the vapor product, either temporarily or permanently, from the United States market.

C. The ABLE Commission shall develop a directory listing all of the manufacturers that have provided attestations that comply with subsection A of this section and all vapor products that are listed in such attestations. The ABLE Commission shall:

1. Make the directory available for public inspection on its website on or before October 1, ~~2022~~ 2024; and

2. Update the directory as necessary to correct mistakes and to add or remove manufacturers or vapor products to maintain the directory in conformity with the requirements of this section.

D. It shall be unlawful for any person, directly or indirectly, to knowingly manufacture, distribute, sell, barter, or furnish in this state any vapor product that is not included in the directory.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

58-2-11141 KN 03/18/22