

An Act

ENROLLED SENATE
BILL NO. 33

By: Dossett and Bullard of the
Senate

and

Vancuren and Davis of the
House

An Act relating to schools; amending Section 2, Chapter 259, O.S.L. 2015 (70 O.S. Supp. 2018, Section 1210.212), which relates to definitions under the 24/7 Tobacco-free Schools Act; adding a definition of vapor product; amending Section 3, Chapter 259, O.S.L. 2015 (70 O.S. Supp. 2018, Section 1210.213), which relates to the prohibition on certain tobacco products on certain education property; prohibiting the use of vapor products on certain education property; providing an effective date; and declaring an emergency.

SUBJECT: Vapor products on school property

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

SECTION 1. AMENDATORY Section 2, Chapter 259, O.S.L. 2015 (70 O.S. Supp. 2018, Section 1210.212), is amended to read as follows:

Section 1210.212. As used in the 24/7 Tobacco-free Schools Act:

1. "Chewing tobacco" means any Cavendish, twist, plug, scrap, and any other kinds and forms of tobacco suitable for chewing;

2. "Educational facility" shall mean any property, building, permanent structure, facility, auditorium, stadium, arena or recreational facility owned, leased or under the control of a public school district or private school located in the state. For purposes of this act, a public school district shall not include a technology center school district;

3. "School vehicle" means any transportation equipment or auxiliary transportation equipment as defined in Section 9-104 of Title 70 of the Oklahoma Statutes;

4. "Smoking tobacco" shall mean any granulated, plug cut, crimp cut, ready rubbed, and any other kinds and forms of tobacco suitable for smoking in a pipe or cigarette; ~~and~~

5. "Tobacco product" shall mean any bidis, cigars, cheroots, stogies, smoking tobacco and chewing tobacco, however prepared. Tobacco products shall include any other articles or products made of tobacco or any substitute thereof; and

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

SECTION 2. AMENDATORY Section 3, Chapter 259, O.S.L. 2015 (70 O.S. Supp. 2018, Section 1210.213), is amended to read as follows:

Section 1210.213. A. The use of a tobacco product or vapor product shall be prohibited in or on an educational facility that offers an early childhood education program or in which children in

grades kindergarten through twelve are educated. The use of a tobacco product or vapor product shall also be prohibited in school vehicles, and at any school-sponsored or school-sanctioned event or activity.

B. Nothing in this section shall be construed to prohibit a public school district or private school from having more restrictive policies regarding tobacco products and vapor products in or on an educational facility, in school vehicles and at any school-sponsored or school-sanctioned event or activity.

SECTION 3. This act shall become effective July 1, 2019.

SECTION 4. 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.

Passed the Senate the 14th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 8th day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____