

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 501

By: Garvin

4  
5 An Act relating to smoking in an automobile with a  
6 minor; creating certain fine; requiring deposit of  
7 proceeds in certain fund; defining certain terms;  
8 providing for codification; and providing an  
9 effective date.

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

11 SECTION 1. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1248 of Title 21, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. There shall be a fine assessed at no more than One Hundred  
15 Dollars (\$100.00) and no less than Fifty Dollars (\$50.00) for any  
16 person who knowingly smokes tobacco, marijuana, or uses a vapor  
17 product in an automobile where a minor is present. Proceeds from  
18 the assessed fine shall be deposited into the Tobacco Prevention and  
19 Cessation Revolving Fund created in Section 1-105d of Title 63 of  
20 the Oklahoma Statues.

21 B. As used in this act:

22 1. "Automobile" shall mean every motor vehicle of the type  
23 constructed and used for the transportation of persons for purposes  
24 other than for hire or compensation. This shall include all  
vehicles of the station wagon type whether the same are called

1 station wagons, ranch wagons, or van wagons, except those used for  
2 commercial purposes, suburbans, town and country, or by any other  
3 name, except when owned and used as a school bus or motor bus by a  
4 school district, a religious corporation, or society as elsewhere  
5 provided by law;

6 2. "Marijuana" shall mean all parts of the plant Cannabis  
7 sativa L., whether growing or not; the seeds thereof; the resin  
8 extracted from any part of such plant; and every compound,  
9 manufacture, salt, derivative, mixture, or preparation of such  
10 plant, its seeds, or resin; and

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
24 February 9, 2023 - DO PASS