

Employers selling tobacco or vapor products at retail must tell their clerks that:

- It is illegal to sell or deliver tobacco or vapor products to anyone under 21.
- Clerks must require proof of age of anybody who appears to be under 21.
- Clerks must sign a form saying that they understand the laws and promise to obey them.

VENDING MACHINES

It is illegal to sell tobacco or vapor products through a vending machine unless:

- The machines are located in places not open to the public or
- In places open to the public in which persons under 21 are not admitted.

SAMPLES

It is unlawful to distribute tobacco or vapor products or product samples to persons under 21; and

It is unlawful to distribute tobacco or vapor products or product samples on a public street, sidewalk or park within 300 feet of a playground, school or other facility when the facility is being used primarily by persons under 21.

PENALTIES

Administrative fines may range from \$ 100 to \$300. Non-payment of an assessed fine will result in Driver's License suspension. A store's tobacco or sales tax permit is subject to suspension.

* * * * * NOTE * * * * *

Oklahoma cities and towns may pass and enforce tobacco and vapor ordinances so long as the penalties are not more stringent than Oklahoma state laws.

To report a violation to <https://oklahoma.gov/able-commission/enforcement>

IT'S THE LAW



PREVENTION OF YOUTH ACCESS

TO TOBACCO ACT

Title 63, Section 1-229.13 et. seq.

Oklahoma ABLE Commission 3812 N.
Santa Fe, Suite 200
Oklahoma City, Oklahoma 73118
(405) 521-3484
FAX (405) 521-6578
www.able.ok.gov

The Prevention of Youth Access to Tobacco Act is enforced by the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission. The ABLE Commission conducts random inspections of retailers of tobacco and vapor products and conducts undercover investigations using persons under 21 years of age. Administrative citations are issued to violators.

Two products are covered under this act. They include:

- **Tobacco Products**

Any product that contains tobacco and is intended for human consumption; and

- **Vapor Products**

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. Includes 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. They do not include any products regulated by the U.S. FDA under Chapter V of the Food, Drug, and Cosmetic Act.

The provisions of the Tobacco Act include Prohibited Acts, Employee and Retailer Responsibilities, Vending Machines, Samples, and Penalties.

It is illegal to sell or furnish tobacco or vapor products to any person under 21.

EMPLOYEE RESPONSIBILITIES

- Persons selling tobacco or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser may be under 21.
- Employees shall be responsible for any illegal tobacco or vapor sales they personally make.
- Employees under 21 may lawfully handle tobacco when required in the performance of their jobs.

RETAILER RESPONSIBILITIES

(Signage, displays, sealed cigarettes, training and affidavits)

Retailers of tobacco are required to post a sign that reads:

**IT'S THE LAW.
WE DO NOT SELL
TOBACCO
PRODUCTS OR
VAPOR PRODUCTS
TO PERSONS UNDER 18
YEARS OF AGE.**

Failure to post such a sign is a fine of \$50 for each day the violation occurs.

No public access to tobacco or vapor products is permitted except for stores that do not admit persons under 21.

Cigarettes can only be sold in the original, sealed package in which they were placed by the manufacturer.