

INTRODUCED

THE CITY OF OKLAHOMA CITY OFFICE OF THE MUNICIPAL COUNSELOR

Council Agenda
Item No. XI. O
9/27/2022

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

Ordinance to be introduced, set for public hearing October 11, 2022 and final hearing October 25, 2022, relating to Miscellaneous Provisions and Offenses, amending Chapter 30 of the Oklahoma City Municipal Code, 2020, Section 30-452, Purchase, receipt or possession of tobacco products or vapor products by persons under 21 prohibited, falsifying proof of age, fines.

Purpose:

To amend an existing ordinance by removing the fine provision for underage tobacco product and vapor product possession in accordance with state law, and to add language requiring confiscation.

Background:

The Municipal Counselor's Office prepared the attached ordinance amendment in response to the passage of HB 3315, effective November 1, 2022. HB 3315 modifies 10A O.S. 2021, Section 2-8-224, removing the penalty of a fine for underage tobacco possession. Currently, Section 30-452 of the City Code makes underage tobacco or vapor product possession a Class "a" offense and allows the imposition of a fine. An amendment to the city ordinance penalizing underage possession of a tobacco product or vapor product is required to conform with the changes to state law.

The attached ordinance amendment removes the conviction and fine language from Section 30-452(b) and in place adds language requiring confiscation of the tobacco product or vapor product as contraband. Section 452(c) expressly removes the municipal fine as required by state law. Amending Section 30-452 of the City Code will make the ordinance conform to the requirements of state law relating to underage tobacco and vapor use.

Review:

Municipal Counselor

Recommendation: Ordinance be introduced, set for public hearing and final hearing.