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## **ACT No. 424**

HOUSE BILL NO. 244

## BY REPRESENTATIVE PIERRE AND SENATOR CARTER

2	To amend and reenact R.S. 26:901(34), 906(A), and 911(B)(1) and (2) and to enact R.S.
3	26:901(35), 911(D), and 925, relative to the office of alcohol and tobacco control;
4	to provide relative to vapor products and alternative nicotine products; to amend the
5	definition of "wholesale dealer"; to provide for the regulation of such products; and
6	to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 26:901(34), 906(A), and 911(B)(1) and (2) are hereby amended and
9	reenacted and R.S. 26:901(35), 911(D), and 925 are hereby enacted to read as follows:
10	§901. Definitions
11	As used in this Chapter, the following terms have the meaning ascribed to
12	them in this Section, unless the context clearly indicates otherwise:
13	* * *
14	(34) "Wholesale dealer" means a dealer whose principal business is that of
15	a wholesaler, who sells cigarettes, cigars, or other tobacco products, vapor products,
16	or alternative nicotine products to retail dealers for the purpose of resale, who is a
17	bona fide wholesaler, and fifty percent of whose total tobacco, vapor, and alternative
18	nicotine sales are to retail stores other than its own or those of its subsidiaries or
19	parent companies within Louisiana. Wholesale dealer shall include any person in the
20	state who acquires cigarettes solely for the purpose of resale in vending machines,
21	provided such person services fifty or more cigarette vending machines in Louisiana
22	other than his own, and a Louisiana dealer who was affixing cigarette and tobacco

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	stamps as of January 1, 1974. If any person is engaged in the business of making
2	sales at both wholesale and retail, "wholesaler" shall apply only to the wholesale
3	portion of the business.
4	(35) "E-liquid" means a substance that does not include cannabis or CBD as
5	defined under the laws of this state and the laws of the United States and which
6	meets all of the following criteria:
7	(a) May or may not contain nicotine.
8	(b) Is intended to be vaporized and inhaled using a vapor product.
9	(c) Is a legal substance under the laws of this state and the laws of the United
10	States.
11	* * *
12	§906. General requirements
13	A. Every person who sells or is about to engage in the business of selling at
14	retail, at wholesale, or by vending machine, or is about to engage in the business of
15	receiving unstamped and/or non-tax paid cigarettes, cigars, or other tobacco
16	products, vapor products, or alternative nicotine products or who is engaged in the
17	business of receiving stamped cigarettes at wholesale or any or all of the articles
18	taxed in accordance with Title 47 of the Louisiana Revised Statutes of 1950, shall
19	first apply to and obtain from the office a permit for each place of business and each
20	vending machine.
21	* * *
22	§911. Acts prohibited
23	* * *
24	B.(1)(a) No retail dealer shall purchase tobacco products for resale except
25	from a wholesale dealer operating with a valid unsuspended wholesale dealer permit,
26	except as provided for in this Chapter.
27	(b) No vapor retail dealer shall purchase alternative nicotine products or
28	vapor products for resale except from a manufacturer of those products or a
29	wholesale dealer operating with a valid unsuspended Louisiana wholesale dealer
30	permit, except as provided for in this Chapter.

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1	(2) No wholesale dealer shall sell tobacco products, alternative nicotine
2	products, or vapor products for resale except to a retail dealer operating with either
3	a valid registration certificate or a valid unsuspended permit.
4	* * *
5	D. Manufacturers of vapor products shall not sell vapor products in this state
6	without authorization from the office of alcohol and tobacco control pursuant to rules
7	promulgated by the commissioner of the office of alcohol and tobacco control. The
8	request for authorization shall include:
9	(1) The name, telephone number, and address of the applicant.
10	(2) The name, telephone number, and address of the manufacturing facility.
11	(3) The name, telephone number, title, and address of the person responsible
12	for the manufacturing facility.
13	(4) Verification that the facility will comply with applicable tobacco
14	products good manufacturing practices pursuant to 21 U.S.C. 387f(e) of the Federal
15	Food, Drug, and Cosmetic Act.
16	(5) Verification that the manufacturer will comply with the applicable
17	ingredient listing required by 21 U.S.C. 387d(a)(1) of the Federal Food, Drug, and
18	Cosmetic Act.
19	* * *
20	§925. Additional Requirements
21	To the extent that they do not conflict, the provisions of this Chapter that
22	provide for the regulation of tobacco products shall also apply to vapor products and
23	alternative nicotine products. Such provisions shall include but are not limited to
24	provisions governing the responsible vendor program, server liability, and the sale
25	of all such products.
26	Section 2. This Act shall become effective upon signature by the governor or, if not
27	signed by the governor, upon expiration of the time for bills to become law without signature

1	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2	vetoed by the governor and subsequently approved by the legislature, this Act shall become
3	effective on the day following such approval.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

**ENROLLED** 

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APPROVED: \_\_\_\_\_