

ACT No. 188

2018 Regular Session

HOUSE BILL NO. 56

BY REPRESENTATIVE HOFFMANN

1 AN ACT

2 To amend and reenact R.S. 14:91.8(C), (D), and (G)(1)(c), (d), and (e) and (7), relative to
3 the unlawful sale, purchase, or possession of tobacco, alternative nicotine product,
4 or vapor product; to provide relative to the signs required to be displayed at the point
5 of purchase or on the vending machine of any tobacco product, alternative nicotine
6 product, or vapor product; to require the displayed sign to include information about
7 the Louisiana Tobacco Quitline; to make technical corrections to citations; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:91.8(C), (D), and (G)(1)(c), (d), and (e) and (7) are hereby
11 amended and reenacted to read as follows:

12 §91.8. Unlawful sale, purchase, or possession of tobacco, alternative nicotine
13 product, or vapor product; signs required; penalties

14 * * *

15 C. It is unlawful for any manufacturer, distributor, retailer, or other person
16 knowingly to sell or distribute any tobacco product, alternative nicotine product, or
17 vapor product to a person under the age of eighteen. However, it shall not be
18 unlawful for a person under the age of eighteen to accept receipt of a tobacco
19 product, alternative nicotine product, or vapor product from an employer when
20 required in the performance of such person's duties. At the point of purchase, a sign,
21 in ~~type~~ not less than 30-point type, shall be displayed that reads "LOUISIANA LAW
22 PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE
23 NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE
24 18". The sign shall also include a notice that displays the telephone number for the

1 Louisiana Tobacco Quitline (1-800-QUIT-NOW) and the website for the Louisiana
2 Tobacco Quitline (www.quitwithusla.org), as determined by the state department of
3 health.

4 D. It is unlawful for a vending machine operator to place in use a vending
5 machine to vend any tobacco product, alternative nicotine product, or vapor product
6 automatically, unless the machine displays a sign or sticker in not less than 22-point
7 type on the front of the machine stating, "LOUISIANA LAW PROHIBITS THE
8 SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR
9 VAPOR PRODUCTS TO PERSONS UNDER AGE 18". The sign shall also include
10 a notice that displays the telephone number for the Louisiana Tobacco Quitline (1-
11 800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline
12 (www.quitwithusla.org), as determined by the state department of health.

13 * * *

14 G. For purposes of this Section, the following definitions apply:
15 (1) "Alternative nicotine product" means any non-combustible product
16 containing nicotine that is intended for human consumption, whether chewed,
17 absorbed, dissolved, or ingested by any other means. "Alternative nicotine product"
18 does not include any:

19 * * *

- 20 (c) Product that is a drug pursuant to 21 U.S.C. ~~§321(g)(1)~~ 321(g)(1).
- 21 (d) Device pursuant to 21 U.S.C. ~~§321(h)~~ 321(h).
- 22 (e) Combination product described in 21 U.S.C. ~~§353(g)~~ 353(g).

23 * * *

24 (7) "Vapor product" means any non-combustible product containing nicotine
25 or other substances that employs a heating element, power source, electronic circuit,
26 or other electronic, chemical or mechanical means, regardless of shape or size, that
27 can be used to produce vapor from nicotine in a solution or other form. "Vapor
28 product" includes any electronic cigarette, electronic cigar, electronic cigarillo,
29 electronic pipe, or similar product or device and any vapor cartridge or other
30 container of nicotine in a solution or other form that is intended to be used with or

1 in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or
2 similar product or device. "Vapor product" does not include any of the following:

3 (a) Product that is a drug pursuant to 21 U.S.C. ~~§321(g)(1)~~ 321(g)(1).

4 (b) Device pursuant to 21 U.S.C. ~~§321(h)~~ 321(h).

5 (c) Combination product described in 21 U.S.C. ~~§353(g)~~ 353(g).

6 * * *

7 Section 2. The provisions of this Act shall become effective on November 1, 2018.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____