

2019 Regular Session

HOUSE BILL NO. 45

BY REPRESENTATIVE TALBOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides for fines associated with selling tobacco, alternative nicotine, or vapor products to persons under the age of 18

1 AN ACT

2 To amend and reenact R.S. 14:91.8(H)(1) and to enact R.S. 14:91.8(H)(3), relative to
3 offenses affecting general morality; to provide relative to the unlawful sale,
4 purchase, or possession of tobacco, alternative nicotine, or vapor products; to
5 increase the fines associated with selling tobacco, alternative nicotine, or vapor
6 products to persons under the age of eighteen; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:91.8(H)(1) is hereby amended and reenacted and R.S.
9 14:91.8(H)(3) is hereby enacted to read as follows:

10 §91.8. Unlawful sale, purchase, or possession of tobacco, alternative nicotine
11 ~~product~~ products, or vapor ~~product~~ products; signs required; penalties

12 * * *

13 H.(1) A person who violates the provisions of this Section by ~~selling or~~
14 buying tobacco products, alternative nicotine products, or vapor products shall be
15 fined not more than fifty dollars for the first violation. The penalties for subsequent
16 violations shall be a fine of not more than one hundred dollars for the second
17 violation, a fine of not more than two hundred fifty dollars for the third violation, and
18 a fine of not more than four hundred dollars for any violation thereafter.

19 * * *

1 (3) A person who violates the provisions of this Section by selling tobacco
2 products, alternative nicotine products, or vapor products shall be fined not more
3 than five hundred dollars for the first violation. The penalties for subsequent
4 violations shall be a fine of not more than one thousand dollars for the second
5 violation and a fine of not more than two thousand five hundred dollars for any
6 violation thereafter.

7 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 45 Original 2019 Regular Session Talbot

Abstract: Increases the fines associated with selling tobacco products, alternative nicotine products, or vapor products to persons under the age of 18.

Present law prohibits the sale and distribution of any tobacco product, alternative nicotine product, or vapor product to persons under the age of 18, and prohibits persons under the age of 18 from buying such products.

Present law provides that whoever violates present law by selling or buying tobacco products, alternative nicotine products, or vapor products shall be subject to the following fines:

- (1) For a first violation - a fine of up to \$50.
- (2) For a second violation - a fine of up to \$100.
- (3) For a third violation - a fine of up to \$250.
- (4) For subsequent violations - a fine of up to \$400.

Proposed law retains present law fines for the under-age buyers and provides for increased fines for sellers who violate present law:

- (1) For a first violation - a fine of up to \$500.
- (2) For a second violation - a fine of up to \$1,000.
- (3) For subsequent violations - a fine of up to \$2,500.

(Amends R.S. 14:91.8(H)(1); Adds R.S. 14:91.8(H)(3))