HLS 19RS-123 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 38

1

## BY REPRESENTATIVE HOFFMANN

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

CRIME: Raises the minimum age relative to the distribution, sale, purchase, or possession of tobacco products, alternative nicotine products, or vapor products

AN ACT

2	To amend and reenact R.S. $14:91.6(A)$ and $91.8(C)$ , $(D)$ , $(E)$ , and $(F)(1)$ and $(2)$ (introductory $(E)$ ).
3	paragraph) and (a), relative to offenses affecting general morality; to provide relative
4	to the unlawful distribution, sale, purchase, or possession of tobacco, alternative
5	nicotine, or vapor products; to raise the minimum age of persons relative to the
6	distribution, sale, purchase, or possession of any tobacco, alternative nicotine, or
7	vapor product; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 14:91.6(A) and 91.8(C), (D), (E), and (F)(1) and (2)(introductory
10	paragraph) and (a) are hereby amended and reenacted to read as follows:
11	§91.6. Unlawful distribution of sample tobacco products, alternative nicotine
12	products, or vapor products to persons under age eighteen twenty-one;
13	penalty
14	A. No person shall distribute or cause to be distributed to persons under
15	eighteen twenty-one years of age a promotional sample of any tobacco product,
16	alternative nicotine product, or vapor product.
17	* * *
18	§91.8. Unlawful sale, purchase, or possession of tobacco, alternative nicotine
19	product products, or vapor product products; signs required; penalties
20	* * *

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1	C. It is unlawful for any manufacturer, distributor, retailer, or other person
2	knowingly to sell or distribute any tobacco product, alternative nicotine product, or
3	vapor product to a person under the age of eighteen twenty-one. However, it shall
4	not be unlawful for a person under the age of eighteen twenty-one to accept receipt
5	of a tobacco product, alternative nicotine product, or vapor product from an
6	employer when required in the performance of such person's duties. At the point of
7	purchase, a sign, in not less than 30-point type, shall be displayed that reads
8	"LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS.
9	ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO
10	PERSONS UNDER AGE 18 21". The sign shall also include a notice that displays
11	the telephone number for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and
12	the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as
13	determined by the state department of health Louisiana Department of Health.
14	D. It is unlawful for a vending machine operator to place in use a vending
15	machine to vend any tobacco product, alternative nicotine product, or vapor product
16	automatically, unless the machine displays a sign or sticker in not less than 22-point
17	type on the front of the machine stating, "LOUISIANA LAW PROHIBITS THE
18	SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR
19	VAPOR PRODUCTS TO PERSONS UNDER AGE 18 21". The sign shall also
20	include a notice that displays the telephone number for the Louisiana Tobacco
21	Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline
22	(www.quitwithusla.org), as determined by the state department of health Louisiana
23	Department of Health.
24	E. It is unlawful for any person under the age of eighteen twenty-one to buy
25	any tobacco product, alternative nicotine product, or vapor product.
26	F.(1) It is unlawful for any person under the age of eighteen twenty-one to
27	possess any tobacco product, alternative nicotine product, or vapor product.

1 (2) However, it shall not be unlawful for a person under the age of eighteen
2 twenty-one to possess a tobacco product, alternative nicotine product, or vapor
3 product under any of the following circumstances:
4 (a) When a person under eighteen twenty-one years of age is accompanied
5 by a parent, spouse, or legal guardian twenty-one years of age or older.

\* \* \* \*

## **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 38 Original

2019 Regular Session

Hoffmann

**Abstract:** Raises the minimum age for the distribution, sale, purchase, or possession of tobacco, alternative nicotine, or vapor products <u>from</u> persons under the age of 18 <u>to</u> those under 21 years of age.

<u>Present law</u> prohibits the distribution of promotional samples of any tobacco product, alternative nicotine product, or vapor product to persons under the age of 18.

Proposed law raises the minimum age from 18 to 21 years.

<u>Present law</u> prohibits manufacturers, distributors, retailers, or other persons from selling or distributing any tobacco product, alternative nicotine product, or vapor product to persons under the age of 18. <u>Present law</u> further requires signs at points of sale and on vending machines for tobacco products stating, "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18".

Proposed law raises the minimum age from 18 to 21 years.

<u>Present law</u> prohibits any person under the age of 18 from buying and possessing any tobacco product, alternative nicotine product, or vapor product.

Proposed law raises the minimum age from 18 to 21 years.

(Amends R.S. 14:91.6(A) and 91.8(C), (D), (E), and (F)(1) and (2)(intro. para.) and (a))