
DIGEST

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HB 799 Original

2020 Regular Session

Hughes

Abstract: Provides manufacturing, labeling, marketing, and safety requirements; specifies which acts are prohibited; provides civil penalties; and provides procedures and guidelines for delivery sales with regard to e-liquid and vapor products and defines "characterizing flavor", "delivery sale", "delivery service", "health related statement", and "tamper evident package".

Present law provides definitions relative to tobacco products.

Proposed law retains present law definitions relative to tobacco products and adds definitions for "characterizing flavor", "delivery sale", "delivery service", "health-related statement", and "tamper evident package".

Proposed law provides manufacturing, labeling, marketing, and safety requirements for e-liquid and vapor products that include but are not limited to ensuring that the e-liquid container has a child proof cap and use tamper evident packaging as well as ensuring that the label includes the nicotine addictiveness warning statement and is not being made attractive to minors.

Present law provides for the prohibition of specific acts regarding the sale of tobacco products, alternative nicotine products, and vapor products.

Present law also provides for the prohibition of specific acts with regard to the wholesale dealer, the retail dealer, and the manufacturer.

Proposed law retains present law and prohibits a retail dealer of e-liquid or vapor products from selling or offering for sale any e-liquid or vapor product containing a characterizing flavor unless stored in an area where people under 18 years of age are prohibited.

Proposed law also prohibits retail dealers from selling or offering for sale any e-liquid or vapor product through the use of a self-service checkout counter or the equivalent unless the purchaser shows an authorized employee valid identification proving that the purchaser is 18 years of age or older.

Proposed law provides for procedures and guidelines with regard to the delivery sales of e-liquid and vapor products.

Proposed law provides that e-liquid and vapor products can only be sold or offered for sale by a holder of a dealer's permit.

Proposed law provides that any dealer who makes a delivery sale of e-liquid or vapor products in La. consents to the jurisdiction of this state.

Proposed law allows the dealer to be held vicariously liable for any violation of proposed law made by the dealer's employee or agent.

Present law authorizes the commissioner of alcohol and tobacco control to impose civil penalties that include the revocation or suspension of a permit issued under the authority of Title 26 and the imposition a monetary fine.

Proposed law provides that present law civil penalties are applicable to any person involved in the sale of any product not authorized by present law and any person involved in the sale of e-liquid or vapor products to any person under 18 years of age.

Proposed law also provides that a dealer in violation of proposed law provisions or any rules promulgated by the commission of alcohol and tobacco control is subject to a civil penalty of not more than \$25,000, the seizure of any e-liquid or vapor products, or both.

Proposed law allows the commissioner of alcohol and tobacco to share any information obtained under proposed law with any other state agency or department, or the federal government as may be necessary for the enforcement of applicable state and federal laws and regulations.

Proposed law authorizes the commissioner of alcohol and tobacco control to promulgate rules to implement proposed law provisions.

(Amends R.S. 26:901(3) through (35); Adds R.S. 26:901(36) through (40), 910.2, 911(E), 911.1, and 918(E), (F), and (G))