

2024 Regular Session

SENATE BILL NO. 307

BY SENATOR REESE

TAX/TAXATION. Provides relative to certification of vapor products and alternative nicotine products. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 26:926(A)(1), relative to vapor products and alternative nicotine
3 products; to provide relative to the certification of products sold by a vapor product
4 and alternative nicotine manufacturer; to change the required date of submission for
5 the premarket tobacco product application; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 26:926(A)(1) is hereby amended and reenacted to read as follows:

8 §926. Vapor product and alternative nicotine product directory

9 A. Beginning October 1, 2023, every vapor product manufacturer and
10 alternative nicotine product manufacturer whose products are sold in this state,
11 whether directly or through a wholesale dealer, retail dealer, or similar intermediary
12 or intermediaries, shall execute and deliver, on a form prescribed by the
13 commissioner, a certification to the commissioner certifying, under penalty of
14 perjury, either of the following:

15 (1) The product was on the market in the United States as of August 8, 2016,
16 and the manufacturer has applied for a marketing order pursuant to 21 U.S.C. 387j
17 for the vapor product or alternative nicotine product by submitting a premarket

1 tobacco product application on or before ~~September 9, 2020~~ **May 14, 2022**, to the
 2 United States Food and Drug Administration, hereinafter referred to in this Section
 3 as the "FDA", and either of the following is true:

4 * * *

5 Section 2. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Emily Toler.

DIGEST

SB 307 Original

2024 Regular Session

Reese

Present law requires that, beginning Oct. 1, 2023, every vapor product manufacturer and alternative nicotine product manufacturer whose products are sold in this state, whether directly or through a wholesale dealer, retail dealer, or similar intermediary, to execute and deliver to the commissioner of the office of alcohol and tobacco control (ATC) a certification of either of the following:

- (1) The vapor product was on the market in the U.S. as of August 8, 2016, and the manufacturer has applied for a marketing order pursuant to federal law by submitting a premarket tobacco product application on or before Sept. 9, 2020, to the U.S. Food and Drug Administration, (FDA) and either the premarket tobacco product application for the vapor product or alternative nicotine product remains under review by the FDA or the FDA has issued a no marketing order for the vapor product or alternative nicotine product, but the agency or a federal court has issued a stay order or injunction during the pendency of the manufacturer's appeal or the order has been appealed or challenged and the appeal or challenge is still pending.
- (2) The manufacturer has received a marketing order or other authorization pursuant to federal law for the vapor product or alternative nicotine product from the FDA.

Proposed law changes the deadline for submission to the FDA from Sept. 9, 2020, to May 14, 2022 and otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 26:926(A)(1))