

2026 Regular Session

HOUSE BILL NO. 782

BY REPRESENTATIVE BRASS

FEES/LICENSES/PERMITS: Provides relative to vapor products and alternative nicotine products

1 AN ACT

2 To amend and reenact R.S. 26:901(1) and (32), 26:903(1) through (4), 911(B)(2), 916(B),
3 918(A)(introductory paragraph), and 926.1(J) and (K) and to enact R.S. 26:901(36),
4 918(E), and 926, relative to vapor and alternative nicotine products; to provide for
5 the definitions of an alternative nicotine product, a vapor product, and a nicotine
6 analogue; to provide for an increase in permit fees; to require a wholesale dealer to
7 verify that a retail dealer has a valid permit; to provide for the suspension or
8 revocation of permits; to provide for the seizure and forfeiture of alternative nicotine
9 and vapor products; to provide for the prohibition of remote sales of alternative
10 nicotine products; to provide for penalties; to provide for submission of marketing
11 approval of alternative nicotine products to the commissioner of the alcohol and
12 tobacco commission; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 26:901(1) and (32), 26:903(1) through (4), 911(B)(2), 916(B),
15 918(A)(introductory paragraph), and 926.1(J) and (K) are hereby amended and reenacted and
16 R.S. 26:901(36), 918(E), and 926 are hereby enacted to read as follows:

17 §901. Definitions

18 As used in this Chapter, the following terms have the meaning ascribed to
19 them in this Section, unless the context clearly indicates otherwise:

20 (1) "Alternative nicotine product" means any noncombustible product
21 containing nicotine or a nicotine analogue that is intended for human consumption,

1 whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative
2 nicotine product" does not include any of the following:

3 * * *

4 (32) "Vapor product" means any noncombustible product containing
5 nicotine, a nicotine analogue or other substances that employs a heating element,
6 power source, electronic circuit, or other electronic, chemical or mechanical means,
7 regardless of shape or size, that can be used to produce vapor from nicotine or other
8 substances. "Vapor product" includes any electronic cigarette, electronic cigar,
9 electronic cigarillo, electronic pipe, or similar product or device and any vapor
10 cartridge or other container of nicotine or nicotine analogue in a solution or other
11 form that is intended to be used with or in an electronic cigarette, electronic cigar,
12 electronic cigarillo, electronic pipe, or similar product or device. "Vapor product"
13 does not include any of the following:

14 * * *

15 (36) "Nicotine analogue" means a substance with either of the following
16 characteristics:

17 (a)(i) The chemical structure of which is substantially similar to the chemical
18 structure of nicotine.

19 (ii) Which has, purports to have, or is represented to have, an effect on the
20 central nervous system that is similar to or greater than the effect on the central
21 nervous system of nicotine.

22 (b) Factors relevant to determining whether a substance is a nicotine
23 analogue include but are not limited to the marketing, advertising, and labeling of the
24 substance, and whether the substance has been manufactured, formulated, sold,
25 distributed, or marketed with the intent to avoid the provisions of this Chapter and
26 other applicable provisions of law.

27 * * *

1 §903. Permit fees

2 The fees for each permit shall not exceed amounts provided for in the
3 following schedule and in accordance with regulations promulgated pursuant to the
4 provisions of the Administrative Procedure Act:

5 (1) Retail dealer permit – ~~\$25.00~~ \$100.00 per year or any portion thereof.

6 (2) Vending machine operator – ~~\$75.00~~ \$300.00 per year or any portion
7 thereof.

8 (3) Vending machine – ~~\$5.00~~ \$20.00 per machine per year or any portion
9 thereof.

10 (4) Wholesale dealer – ~~\$75.00~~ \$100.00 per year or any portion thereof.

11 * * *

12 §911. Acts prohibited

13 * * *

14 B.

15 * * *

16 (2) No wholesale dealer shall sell tobacco products, alternative nicotine
17 products, or vapor products for resale except to a retail dealer operating with either
18 a valid registration certificate or a valid unsuspended permit. A wholesale dealer
19 shall verify that a retailer dealer is operating with either a valid registration
20 certificate or a valid unsuspended permit prior to any sale of tobacco products,
21 alternative nicotine products, or vapor products to a retail dealer.

22 * * *

23 §916. Suspensions or revocations

24 * * *

25 B. The commissioner or upon the commissioner's request, a local law
26 enforcement agency, shall have may conduct periodic examinations ~~made~~ of the
27 businesses of all persons holding permits ~~under~~ in accordance with this Chapter or
28 of locations where tobacco products, vapor products, or alternative nicotine products
29 are reasonably believed to be sold without permits. If a violation of the Chapter or

1 of any rule or regulation of the commissioner or the secretary is observed, the
 2 commissioner may give the ~~permittee~~ person a written warning. If the ~~permittee~~
 3 person has been previously warned or if the violation is of a sufficiently serious
 4 nature, the commissioner may instruct any agent or employee of the commissioner
 5 to prepare and file, upon information and belief based upon the facts in hand, a
 6 petition for assessing a fine, or suspension or revocation of the permit, setting forth
 7 the facts and circumstances of the violation, and shall ~~thereupon~~ summon the
 8 ~~permittee~~ person to appear and show cause why the permit should not be suspended
 9 or revoked or the fine not assessed.

* * *

11 §918. Civil penalties

12 A. Notwithstanding any other provision of this Chapter to the contrary,
 13 except as provided by Subsection E of this Section, the commissioner may, in lieu
 14 of or in addition to revocation or suspension of a permit issued ~~under~~ pursuant to the
 15 authority of this Chapter, impose the following schedule of fines to be paid into the
 16 state treasury:

* * *

18 E. Notwithstanding any other provision of this Chapter to the contrary, for
 19 a violation of R.S. 26:906, the commissioner may impose the following schedule of
 20 finest to be paid into the state treasury:

21 (1) For a first offense, not less than five hundred dollars but not more than
 22 one thousand dollars.

23 (2) For a second offense, which occurs within two years of the first offense,
 24 not less than one thousand dollars but not more than two thousand dollars.

25 (3) For a third offense, which occurs within two years of the first offense, not
 26 less than two thousand dollars but not more than four thousand dollars.

* * *

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 782 Original

2026 Regular Session

Brass

Abstract: Provides relative to vapor products and alternative nicotine products and increases certain fees.

Present law provides for definitions related to alternative nicotine products and vapor products.

Proposed law adds "nicotine analogue" to the definitions of alternative nicotine products and vapor products.

Proposed law defines "nicotine analogue" as a substance with a chemical structure that is substantially similar to the chemical structure of nicotine or that has, purports to have, or is represented to have, an effect on the central nervous system that is similar to or greater than the effect on the central nervous system as nicotine.

Present law provides for fees to be paid for the issuance of permits.

Proposed law increases the permit fees as follows:

- (1) Retail dealer permit – from \$ 25.00 to \$100.00 per year or any portion thereof.
- (2) Vending machine operator – from \$75.00 to \$300.00 per year or any portion thereof.
- (3) Vending machine – from \$5.00 to \$20.00 per machine per year or any portion thereof.
- (4) Wholesale dealer – from \$75.00 to \$100.00 per year or any portion thereof.

Present law provides for prohibited acts of a wholesaler to include the sale of tobacco products, alternative nicotine products, or vapor products for resale except to a retail dealer operating with either a valid registration certificate or a valid unsuspended permit.

Proposed law provides that a wholesale dealer must verify that a retailer dealer is operating with either a valid registration certificate or a valid unsuspended permit prior to any sale of tobacco products, alternative nicotine products, or vapor products to a retail dealer.

Present law permits the commissioner of the office of alcohol and tobacco (ATC) to request local law enforcement assistance in examinations of businesses that hold permits issued by ATC.

Proposed law retains present law and extends the authority of the commissioner to request assistance to include permits issued for tobacco, vapor, and alternative nicotine products.

Present law permits the commissioner to revoke permits and impose civil penalties for violations of law related to the issuance of a permit by the office of ATC.

Proposed law retains present law and further provides for the following fines:

- (1) For a first offense, not less than \$500 but not more than \$1,000.

- (2) For a second offense, which occurs within two years of the first offense, not less than \$1,000 but not more than \$2,000.
- (3) For a third offense, which occurs within two years of the first offense, not less than \$2,000 but not more than \$4,000.

Proposed law permits the seizure and destruction of alternative nicotine and vapor products that are purchased, offered for sale or sold for retail sale or to a consumer in violation of present and proposed law. Further provides that the person violating the law must bear the cost incurred in the seizure and destruction of the products.

Present law permits the commissioner to impose civil penalties for violations of law related to the sale of products not listed in the vapor and alternative nicotine product directory.

Proposed law retains present law and further provides for the following fines:

- (a) For a first offense, \$1,000.
- (b) For a second offense, which occurs within two years of the first offense, \$2,000, and a permittee's permit shall be suspended for six months.
- (c) For a third offense, which occurs within two years of the first offense, \$4,500, and a permittee's permit shall be revoked.

Proposed law authorizes the attorney general or commissioner to bring enforcement actions regarding the permit or sale of vapor or alternative nicotine products.

Proposed law provides for the forfeiture of the profits earned by a person who violates present and proposed law regarding the permit or sale of vapor or alternative nicotine products. Further provides that the person is liable for the costs associated with bringing the legal action as well as attorney fees.

Proposed law provides that a second or subsequent violation of the rule requiring all vapor and alternative nicotine products to be listed in the vapor and alternative nicotine product directory is considered to an unfair and deceptive trade practice.

Proposed law permits the ATC or a local law enforcement agency to retain the funds collected from fines imposed.

(Amends R.S. 26:901(1) and (32), 26:903(1)-(4), 911(B)(2), 916(B), 918(A)(intro. para.), and 926.1(J) and (K); Adds R.S. 26:901(36), 918(E), and 926)