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## DIGEST

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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)