

Regular Session, 2014

HOUSE BILL NO. 835

BY REPRESENTATIVE HARRIS

CRIME: Provides for alternative nicotine products and vapor products

1 AN ACT

2 To amend and reenact R.S. 14:91.6(A) and (B)(1) and 91.8(B), (C), (D), (E), (F), (G)(1), and
3 (H), R.S. 17:240(A) and (B)(1), R.S. 26:901, 909(A)(2), 910, 910.1, 911(A)(1) and
4 (2), and 917(A) and (C), and R.S. 47:851(C)(2) and to enact R.S. 14:91.6(B)(6) and
5 (7) and 91.8(G)(6) and (7), relative to alternative nicotine products and vapor
6 products; to prohibit the sale, purchase, or possession of alternative nicotine products
7 and vapor products by minors; to prohibit the placement of alternative nicotine
8 products and vapor products in vending machines in certain circumstances; to
9 provide for definitions; to provide for the applicability of criminal penalties; to
10 provide for an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 14:91.6(A) and (B)(1) and 91.8 are hereby amended and reenacted
13 and R.S. 14:91.6(B)(6) and (7) and 91.8(G)(6) and (7) are hereby enacted to read as follows:

14 §91.6. Unlawful distribution of sample tobacco products, alternative nicotine
15 products, or vapor products to persons under age eighteen; penalty

16 A. No person shall distribute or cause to be distributed to persons under
17 eighteen years of age a promotional sample of any tobacco product, alternative
18 nicotine product, or vapor product.

19 B. For purposes of this Section, the following definitions apply:

(1) "Tobacco product" means any cigar, cigarette, smokeless tobacco, or smoking tobacco. "Tobacco product" does not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

* * *

(6) "Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any tobacco product, vapor product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

(7) "Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

* * *

§91.8. Unlawful sale, purchase, or possession of tobacco products, alternative
nicotine products, or vapor products; signs required; penalties

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B. It is the intent of the legislature that enforcement of this Section shall be implemented in an equitable manner throughout the state. For the purpose of

1 equitable and uniform implementation and application of state and local laws and
2 regulations, the provisions of this Section shall supersede existing or subsequently
3 adopted local ordinances or regulations which relate to the sale, promotion, and
4 distribution of tobacco products, alternative nicotine products, or vapor products.

5 It is the intent of the legislature that this Section shall be equitably enforced so as to
6 ensure the eligibility for and receipt of any federal funds or grants the state now
7 receives or may receive relating to the provisions of this Section.

8 C. It is unlawful for any manufacturer, distributor, retailer, or other person
9 knowingly to sell or distribute any tobacco product, alternative nicotine product, or
10 vapor product to a person under the age of eighteen. However, it shall not be
11 unlawful for a person under the age of eighteen to accept receipt of a tobacco
12 product, alternative nicotine product, or vapor product from an employer when
13 required in the performance of such person's duties. At the point of purchase, a sign
14 in type not less than 30-point type shall be displayed that reads "LOUISIANA LAW
15 PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE
16 NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE
17 18".

18 D. It is unlawful for a vending machine operator to place in use a vending
19 machine to vend any tobacco product, alternative nicotine product, or vapor product
20 automatically, unless the machine displays a sign or sticker in not less than 22-point
21 type on the front of the machine stating, "LOUISIANA LAW PROHIBITS THE
22 SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR
23 VAPOR PRODUCTS TO PERSONS UNDER AGE 18", ~~or words of similar~~
24 ~~meaning.~~

25 E. It is unlawful for any person under the age of eighteen to buy any tobacco
26 product, alternative nicotine product, or vapor product.

27 F.(1) It is unlawful for any person under the age of eighteen to possess any
28 tobacco product, alternative nicotine product, or vapor product.

(2) However, it shall not be unlawful for a person under the age of eighteen to possess a tobacco product, alternative nicotine product, or vapor product under any of the following circumstances:

(a) When a person under eighteen years of age is accompanied by a parent, spouse, or legal guardian twenty-one years of age or older.

(b) In private residences.

(c) When the tobacco product, alternative nicotine product, or vapor product is handled during the course and scope of his employment and required in the performance of such person's duties.

G. For purposes of this Section, the following definitions apply:

(1) "Tobacco product" means any cigar, cigarette, smokeless tobacco, or smoking tobacco. "Tobacco product" does not include any alternative nicotine product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

* * *

(6) "Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any tobacco product, vapor product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

(7) "Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette,

1 electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

2 "Vapor product" does not include any product regulated as a drug or device by the

3 United States Food and Drug Administration under Chapter V of the Federal Food,

4 Drug, and Cosmetic Act.

5 H.(1) A person who violates the provisions of this Section by selling or
6 buying tobacco products, alternative nicotine products, or vapor products shall be
7 fined not more than fifty dollars for the first violation. The penalties for subsequent
8 violations shall be a fine of not more than one hundred dollars for the second
9 violation, a fine of not more than two hundred fifty dollars for the third violation, and
10 a fine of not more than four hundred dollars for any violation thereafter.

11 (2) A person who violates the provisions of this Section by possessing
12 tobacco products, alternative nicotine products, or vapor products shall be fined not
13 more than fifty dollars for each violation.

14 * * *

15 Section 2. R.S. 17:240(A) and (B)(1) are hereby amended and reenacted to read as
16 follows:

17 §240. Prohibition against use of tobacco, alternative nicotine products, and vapor
18 products in schools; prohibition against smoking on school bus; rules and
19 regulations

20 A. For purposes of this Section the following terms shall have the following
21 meanings unless the context clearly indicates otherwise:

22 (1) "Alternative nicotine product" means any non-combustible product
23 containing nicotine that is intended for human consumption, whether chewed,
24 absorbed, dissolved, or ingested by any other means. "Alternative nicotine product"
25 does not include any tobacco product, vapor product, or any product regulated as a
26 drug or device by the United States Food and Drug Administration under Chapter V
27 of the Federal Food, Drug, and Cosmetic Act.

(2) "School building" means any building located on the property of any elementary or secondary school, state schools for the deaf, blind, spastic, and cerebral palsied and schools in Special School District No. 1.

~~(2)~~(3) "Smoking" means possession of a lighted cigar, cigarette, pipe, or any other lighted tobacco product.

(4) "Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

B.(1) Notwithstanding any other provision of law, no person under eighteen years of age shall smoke, chew, use, or otherwise consume any tobacco or tobacco product, alternative nicotine product, or vapor product in or on the grounds of any public or private elementary or secondary school building, preschool, or day care facility.

* * *

Section 3. R.S. 26:901, 909(A)(2), 910, 910.1, 911(A)(1) and (2), and 917(A) and (C) are hereby amended and reenacted to read as follows:

§901. Definitions

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

(1) "Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed,

1 absorbed, dissolved, or ingested by any other means. "Alternative nicotine product"
2 does not include any tobacco product, vapor product, or any product regulated as a
3 drug or device by the United States Food and Drug Administration under Chapter V
4 of the Federal Food, Drug, and Cosmetic Act.

5 (2) "Brand family" has the meaning as set forth in R.S. 13:5072(1).

6 ~~(2)~~(3) "Cigar" includes any roll of tobacco for smoking, irrespective of size
7 or shape, and irrespective of the tobacco being flavored, adulterated, or mixed with
8 any other ingredients, where such roll has a wrapper made chiefly of tobacco.

9 ~~(3)~~(4) "Cigarette" includes any roll for smoking made wholly or in part of
10 tobacco, irrespective of size or shape and irrespective of the tobacco being flavored,
11 adulterated, or mixed with any other ingredient, where such roll has a wrapper or
12 cover made of paper, or any other material except where such wrapper is wholly or
13 in greater part made of tobacco.

14 ~~(4)~~(5) "Commissioner" means the commissioner of alcohol and tobacco
15 control.

16 ~~(5)~~(6) "Dealer" includes every person who manufactures or purchases cigars,
17 cigarettes, or other tobacco products for distribution or resale in this state. The term
18 also means any person who imports cigars, cigarettes, or other tobacco products from
19 any state or foreign country for distribution, sale, or consumption in this state.

20 ~~(6)~~(7) "Exporter license" means the stamping agent designation as set forth
21 in R.S. 26:902(5)(b).

22 ~~(7)~~(8) "Facility" means a part or portion of an establishment which is
23 designed so as to impede a minor's access to a vending machine by walls or other
24 separation in combination with signs designed to notify the public that persons under
25 the age of eighteen are prohibited from the area.

26 ~~(8)~~(9) A "knowing violation or failure" is a knowing or intentional engaging
27 in conduct without a good faith belief that the conduct was consistent with the
28 provisions of this Chapter.

1 ~~(9)~~(10) "Manufacturer" means anyone engaged in the manufacture,
2 production, or foreign importation of tobacco products who sells to wholesalers.

3 ~~(10)~~(11) "Person" means any natural person, trustee, company, partnership,
4 corporation, or other legal entity.

5 ~~(11)~~(12) "Place of business" means the place where the tobacco orders are
6 received, or where the taxable tobacco articles are sold, or if sold by a retail dealer
7 upon a railroad train or on or from any other vehicle, the vehicle on which or from
8 which the taxable articles are sold by the retail dealer. It also includes the
9 establishment where vending machines are located.

10 ~~(12)~~(13) "Purchase" means acquisition in any manner, for any consideration.
11 The term shall include transporting or receiving product in connection with a
12 purchase.

13 ~~(13)~~(14) "Retail dealer" includes every dealer other than a wholesale dealer,
14 or manufacturer who sells or offers for sale cigars, cigarettes, or other tobacco
15 products, irrespective of quantity or the number of sales.

16 ~~(14)~~(15) "Sale" or "sell" means any transfer, exchange, or barter in any
17 manner or by any means for any consideration. The term shall include distributing
18 or shipping product in connection with a sale. References to a sale "in" or "into" a
19 state refer to the state of the destination point of the product in the sale, without
20 regard to where title was transferred. References to sale "from" a state refer to the
21 sale of cigarettes that are located in that state to the destination in question without
22 regard to where title was transferred.

23 ~~(15)~~(16) "Sales entity affiliate" means an entity that sells cigarettes that it
24 acquires directly from a manufacturer or importer and is affiliated with that
25 manufacturer or importer as established by documentation received directly from
26 that manufacturer or importer to the satisfaction of the attorney general. Entities are
27 affiliated with each other if one, directly or indirectly through one or more
28 intermediaries, controls or is controlled by or is under common control with the
29 other.

1 ~~(16)~~(17) "Secretary" means the secretary of the Department of Revenue and
2 includes any of his duly authorized assistants.

3 ~~(17)~~(18) "Self-service display" means any display that contains tobacco
4 products, alternative nicotine products, ro vapor products and is located in an area
5 openly accessible to ~~the retail dealer's customers~~ of the retail dealer, or to customers
6 of any person engaged in the lawful sale at retail of alternative nicotine products or
7 vapor products, and from which such customers can readily access tobacco products,
8 alternative nicotine products, or vapor products without the assistance of a
9 salesperson. A display case that holds tobacco products, alternative nicotine
10 products, or vapor products behind locked doors does not constitute a self-service
11 display for purposes of this Chapter.

12 ~~(18)~~(19) "Smokeless tobacco" means any finely cut, ground, powdered, or
13 leaf tobacco that is intended to be placed in the oral or nasal cavity.

14 ~~(19)~~(20) "Smoking tobacco" includes granulated, plug cut, crimp cut, ready
15 rubbed, and any other kind and form of tobacco prepared in such manner as to be
16 suitable for smoking in pipe or cigarette.

17 ~~(20)~~(21) "Stamp" means the impression, device, stamp, label, or print
18 manufactured or printed as prescribed by the secretary by the use of which the tax
19 levied hereunder is paid. By way of extension, and not limitation, the term "stamp"
20 means any impression or character affixed to or which shall be stamped upon
21 commodities by metered stamping machine or device by use of which the tax levied
22 hereunder is paid.

23 ~~(21)~~(22) "Stamping agent" means a dealer that is authorized to affix tax
24 stamps to packages or other containers of cigarettes under R.S. 47:843 et seq. or any
25 dealer that is required to pay the excise tax or tobacco tax imposed pursuant to R.S.
26 47:841 et seq. on cigarettes.

27 ~~(22)~~(23) "State directory" or "directory" means the directory compiled by the
28 attorney general under R.S. 13:5073, or, in the case of reference to another state's
29 directory, the directory compiled under the similar law in that other state.

1 ~~(23)~~(24) "Tobacco product" means any cigar, cigarette, smokeless tobacco,
2 or smoking tobacco. "Tobacco product" does not include any alternative nicotine
3 product, vapor product, or product regulated as a drug or device by the United States
4 Food and Drug Administration under Chapter V of the Federal Food, Drug and
5 Cosmetic Act.

6 ~~(24)~~(25) "Tobacconist" means any bona fide tobacco retailer engaged in
7 receiving bulk smoking tobacco for the purpose of blending such tobacco for retail
8 sale at a particular retail outlet where fifty percent or more of the total purchases for
9 the preceding twelve months were purchases of tobacco products, excluding
10 cigarettes.

11 (26) "Vapor product" means any non-combustible product containing
12 nicotine that employs a heating element, power source, electronic circuit, or other
13 electronic, chemical or mechanical means, regardless of shape or size, that can be
14 used to produce vapor from nicotine in a solution or other form. "Vapor product"
15 includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic
16 pipe, or similar product or device and any vapor cartridge or other container of
17 nicotine in a solution or other form that is intended to be used with or in an electronic
18 cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or
19 device. "Vapor product" does not include any product regulated as a drug or device
20 by the United States Food and Drug Administration under Chapter V of the Federal
21 Food, Drug, and Cosmetic Act.

22 ~~(25)~~(27) "Vending machine" means any mechanical, electric, or electronic
23 self-service device which, upon insertion of money, tokens, or any other form of
24 payment, automatically dispenses tobacco products.

25 ~~(26)~~(28) "Vending machine operator" means any person who controls the use
26 of one or more vending machines as to the supply of cigarettes or any tobacco
27 products in the machine or the receipts from cigarettes vended through such
28 machines.

(27)(29) "Wholesale dealer" means a dealer whose principal business is that of a wholesaler, who sells cigarettes, cigars, or other tobacco products to retail dealers for purpose of resale, who is a bona fide wholesaler, and fifty percent of whose total tobacco sales are to retail stores other than its own or its subsidiaries within Louisiana. Wholesale dealer shall include any person in the state who acquires cigarettes solely for the purpose of resale in vending machines, provided such person services fifty or more cigarette vending machines in Louisiana other than his own, and a Louisiana dealer who was affixing cigarette and tobacco stamps as of January 1, 1974.

* * *

§909. General requirements of eligibility

A. The commissioner may suspend a permit previously issued or may refuse to grant a permit if, after a hearing and by a preponderance of the evidence, it is proven that the permittee, or an employee or agent thereof, or applicant either:

* * *

(2) Has violated the terms and provisions of R.S. 14:91.6 relative to the unlawful distribution of tobacco products, alternative nicotine products, or vapor products.

* * *

§910. Vending machines

In order to prevent persons under eighteen years of age from purchasing or receiving tobacco products, alternative nicotine products, or vapor products from vending machines, the sale or delivery of tobacco such products through a vending machine is prohibited unless either:

(1) The machine is located in an establishment to which persons under the age of eighteen are denied access.

(2) The machine is located in facilities where the dealer or any person engaged in the lawful sale at retail of alternative nicotine products or vapor products, ensures that no person younger than eighteen years of age is present or permitted to

1 enter at any time and the machine is located within the unobstructed line of sight of
2 a dealer or a dealer's agent or employee who is responsible for preventing persons
3 younger than eighteen years of age from purchasing tobacco products, alternative
4 nicotine products, or vapor products through that machine.

5 (3) For purposes of this Section, "vending machine" means any mechanical,
6 electric, or electronic self-service device which, upon insertion of money, tokens, or
7 any other form of payment, automatically dispenses tobacco products, alternative
8 nicotine products, or vapor products.

9 §910.1. Self-service displays

10 A. In order to prevent persons under eighteen years of age from purchasing
11 or receiving tobacco products, alternative nicotine products, or vapor products from
12 self-service displays, the sale or delivery of ~~tobacco~~ such products through a self-
13 service display is prohibited unless the machine is a vending machine as defined in
14 R.S. 26:910 that complies with the terms and provisions of ~~R.S. 26:910~~ that Section.

15 B.(1) The provisions of this Section shall not apply to a tobacconist at a
16 particular outlet or a retail tobacco business.

17 (2) "Retail tobacco business" for purposes of this Section means a bona fide
18 retail dealer engaged in the sale of tobacco products and accessories for retail sale
19 where fifty percent or more of the total sales for the preceding twelve months,
20 excluding fuel sales, were tobacco products, including cigarettes, alternative nicotine
21 products, or vapor products.

22 (3) "Tobacconist at a particular outlet" for purposes of this Section means
23 a bona fide retail dealer engaged in receiving bulk smoking tobacco for the purpose
24 of blending such tobacco for retail sale at a particular retail outlet where fifty percent
25 or more of the total purchases for the preceding twelve months were purchases of
26 tobacco products, excluding cigarettes, alternative nicotine products, or vapor
27 products.

28 (4) The provisions of this Section shall not apply to a lawful retailer of
29 alternative nicotine products or vapor products where fifty percent or more of the

1 total sales for the preceding twelve months, excluding fuel sales, were alternative
2 nicotine products or vapor products.

3 §911. Acts prohibited

4 A. No person, agent, associate, employee, representative, or servant of any
5 person shall permit any of the following acts to be done on or about any premises
6 which sells or offers for sale tobacco products, alternative nicotine products, or vapor
7 products:

(1) Sell or serve tobacco products, alternative nicotine products, or vapor products over-the-counter in a retail establishment to any person under the age of eighteen unless such person submits a driver's license, selective service card, or other lawful identification which on its face establishes the age of the person as eighteen years or older and there is no reason to doubt the authenticity or correctness of the identification.

(2) Violate the terms and provisions of R.S. 14:91.6 relative to the unlawful distribution of tobacco products, alternative nicotine products, or vapor products.

16 * * *

17 §917. Violations by employee; employer liability

18 A. Sale of tobacco products to a minor by a retail dealer's agent, associate,
19 employee, representative, or servant, or the sale of alternative nicotine products, or
20 vapor products to a minor by the agent, associate, employee, representative, or
21 servant of a lawful retailer of alternative nicotine products or vapor products, shall
22 be considered an act of the retail dealer or lawful retailer, as applicable, for purposes
23 of suspension, revocation, as applicable, or assessment of civil penalties unless all
24 of the following conditions exist:

(1) The employer requires employees to attend a commissioner-approved
seller training program.

27 (2) The employee actually attends the training program.

(3) The employer does not directly or indirectly encourage the employee to violate the prohibited sales provisions of this Chapter.

* * *

C. The provisions of Subsection A of this Section shall not apply if a retail dealer, or lawful retailer of alternative nicotine products or vapor products, as applicable, within one hundred eighty days from the hiring of an agent, associate, employee, representative, or servant can prove that he has made application to have the employee attend a training program or the retail dealer or lawful retailer, as applicable, has received an extension of time in which to comply from the commissioner because of unavailability of a training program.

Section 4. R.S. 47:851(C)(2) is hereby amended and reenacted to read as follows:

§851. Dealers receiving unstamped and/or nontax paid cigarettes, cigars, and smoking tobaccos required to file monthly reports and maintain records; vending machine restrictions

* * *

C. Vending machine operators.

* * *

(2) In accordance with ~~state law prohibiting minors from purchasing tobacco products~~ R.S. 14:91.8(D), vending machine operators shall affix ~~a sticker in a prominent place on each machine, in print not smaller than twenty-two point, sign or sticker in not less than 22-point type on the front of each machine~~ stating, ~~"Louisiana Law Prohibits the Purchase of Tobacco Products by Anyone Under Age 17"~~ "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE 18".

* * *

Section 5. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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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)]

Harris

HB No. 835

Abstract: Provides for the unlawful possession, sales, purchase, and distribution of alternative nicotine products and vapor products to minors.

Present law provides for the unlawful possession, sales, purchase, and distribution of tobacco products to minors.

Proposed law adds alternative nicotine products and vapor products to the present law prohibitions.

Proposed law defines "alternative nicotine product" and "vapor product".

Proposed law excludes alternative nicotine products and vapor products from the definition of tobacco.

Present law provides that in order to prevent persons under 18 years of age from purchasing or receiving tobacco products from vending machines or self-service displays, the sale or delivery of tobacco products through a vending machine or self-service display is prohibited.

Proposed law adds alternative nicotine products and vapor products to the present law prohibitions.

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

(Amends R.S. 14:91.6(A) and (B)(1) and 91.8(B), (C), (D), (E), (F), (G)(1) and (H), R.S. 17:240(A) and (B)(1), R.S. 26:901, 909(A)(2), 910, 910.1, 911(A)(1) and (2), and 917(A) and (C), and R.S. 47:851(C)(2); Adds R.S. 14:91.6(B)(6) and (7) and 91.8(G)(6) and (7))