

2019 Regular Session

HOUSE BILL NO. 244

BY REPRESENTATIVE PIERRE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGES: Provides relative to vapor products and alternative nicotine products

1 AN ACT

2 To amend and reenact R.S. 26:901(34), 906(A), and 911(B)(1) and (2) and to enact R.S.
3 26:925, relative to the office of alcohol and tobacco control; to provide relative to
4 vapor products and alternative nicotine products; to amend the definition of
5 "wholesale dealer"; to provide for the regulation of such products; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:901(34), 906(A), and 911(B)(1) and (2) are hereby amended and
9 reenacted and R.S. 26:925 is hereby enacted to read as follows:

10 §901. Definitions

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

13 * * *

14 (34) "Wholesale dealer" means a dealer whose principal business is that of
15 a wholesaler, who sells cigarettes, cigars, ~~or other tobacco products,~~ vapor products,
16 or alternative nicotine products to retail dealers for the purpose of resale, who is a
17 bona fide wholesaler, and fifty percent of whose total tobacco vapor, and alternative
18 nicotine sales are to retail stores other than its own or those of its subsidiaries or
19 parent companies within Louisiana. Wholesale dealer shall include any person in the
20 state who acquires cigarettes solely for the purpose of resale in vending machines,
21 provided such person services fifty or more cigarette vending machines in Louisiana

1 other than his own, and a Louisiana dealer who was affixing cigarette and tobacco
2 stamps as of January 1, 1974. If any person is engaged in the business of making
3 sales at both wholesale and retail, "wholesaler" shall apply only to the wholesale
4 portion of the business.

5 * * *

6 §906. General requirements

7 A. Every person who sells or is about to engage in the business of selling at
8 retail, at wholesale, or by vending machine, or is about to engage in the business of
9 receiving unstamped and/or non-tax paid ~~cigarettes, cigars, or~~ other tobacco
10 products, vapor products, or alternative nicotine products or who is engaged in the
11 business of receiving stamped cigarettes at wholesale or any or all of the articles
12 taxed in accordance with Title 47 of the Louisiana Revised Statutes of 1950, shall
13 first apply to and obtain from the office a permit for each place of business and each
14 vending machine.

15 * * *

16 §911. Acts prohibited

17 * * *

18 B.(1) No retail dealer shall purchase tobacco products, alternative nicotine
19 products, or vapor products for resale except from a wholesale dealer operating with
20 a valid unsuspended wholesale dealer permit, except as provided for in this Chapter.

21 (2) No wholesale dealer shall sell tobacco products, alternative nicotine
22 products, or vapor products for resale except to a retail dealer operating with either
23 a valid registration certificate or a valid unsuspended permit.

24 * * *

25 §925. Additional Requirements

26 To the extent that they do not conflict, the provisions of this Chapter that
27 provide for the regulation of tobacco products shall also apply to vapor products and
28 alternative nicotine products. Such provisions shall include but are not limited to

1 provisions governing the responsible vendor program, server liability, and the sale
2 of all such products.

3 Section 4. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

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 244 Original

2019 Regular Session

Pierre

Abstract: Provides relative to the regulation of vapor products and alternative nicotine products.

Present law defines "wholesale dealer" as including a dealer who sells cigarettes, cigars, or other tobacco products for resale.

Proposed law retains present law and adds vapor products to the definition of "wholesale dealer".

Present law requires a permit from the office of alcohol and tobacco control to sell at retail cigarettes, cigars, and other tobacco products.

Proposed law retains present law and also requires a permit to sell vapor products and alternative nicotine products.

Present law prohibits retail dealers from purchasing tobacco products for resale except from a wholesale dealer who has a valid ATC permit.

Proposed law retains present law and also makes it applicable to retail dealers selling vapor products or alternative nicotine products.

Proposed law applies other regulations applicable to tobacco products to vapor products and alternative nicotine products.

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

(Amends R.S. 26:901(34), 906(A), and 911(B)(1) and (2); Adds R.S. 26:925)