

ACT No. 424

2019 Regular Session

HOUSE BILL NO. 244

BY REPRESENTATIVE PIERRE AND SENATOR CARTER

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 26:901(35), 911(D), and 925, relative to the office of alcohol and tobacco control;
4 to provide relative to vapor products and alternative nicotine products; to amend the
5 definition of "wholesale dealer"; to provide for the regulation of such products; and
6 to provide for 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. 26:901(35), 911(D), and 925 are 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
22 other than his own, and a Louisiana dealer who was affixing cigarette and tobacco

1 stamps as of January 1, 1974. If any person is engaged in the business of making
2 sales at both wholesale and retail, "wholesaler" shall apply only to the wholesale
3 portion of the business.

4 (35) "E-liquid" means a substance that does not include cannabis or CBD as
5 defined under the laws of this state and the laws of the United States and which
6 meets all of the following criteria:

7 (a) May or may not contain nicotine.

8 (b) Is intended to be vaporized and inhaled using a vapor product.

9 (c) Is a legal substance under the laws of this state and the laws of the United
10 States.

11 * * *

12 §906. General requirements

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

21 * * *

22 §911. Acts prohibited

23 * * *

24 B.(1)(a) No retail dealer shall purchase tobacco products for resale except
25 from a wholesale dealer operating with a valid unsuspended wholesale dealer permit,
26 except as provided for in this Chapter.

27 (b) No vapor retail dealer shall purchase alternative nicotine products or
28 vapor products for resale except from a manufacturer of those products or a
29 wholesale dealer operating with a valid unsuspended Louisiana wholesale dealer
30 permit, except as provided for in this Chapter.

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____