

2020 Regular Session

HOUSE BILL NO. 630

BY REPRESENTATIVE DUPLESSIS

SALES/TOBACCO DEALERS: Provides relative to tobacco products

1 AN ACT

2 To amend and reenact R.S. 26:918(B), (C), and (D) and to enact R.S. 26:918(E), (F), and  
3 (G), relative to tobacco products; to authorize the commissioner of the office of  
4 tobacco and control to suspend and penalize any person involved in the sale of  
5 certain unauthorized products; to require the commissioner to promulgate rules and  
6 regulations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:918(B), (C), and (D) are hereby amended and reenacted and R.S.  
9 26:918(E), (F), and (G) are hereby enacted to read as follows:

10 §918. Civil penalties

11 \* \* \*

12 B. Notwithstanding any other provision of this Chapter to the contrary, the  
13 commissioner may suspend a permit or penalize any person involved in the sale of  
14 unauthorized products in accordance with this Section.

15 C. Notwithstanding any other provision of this Chapter to the contrary, the  
16 commissioner may suspend a permit or penalize any person involved in the sale of  
17 vapor products or vapor paraphernalia and devices to anyone under the age of  
18 eighteen in accordance with this Section.

1           ~~B.D.~~ In the case of a knowing or intentional first violation of R.S.  
2           26:916(H)(1) through (5), the stamping agent shall be subject to a civil penalty of up  
3           to one thousand dollars.

4           ~~C.E.~~ In the case of a second or subsequent violation of R.S. 26:916(H)(1)  
5           through (5), the stamping agent shall be subject to a civil penalty of up to five  
6           thousand dollars per violation. In the case of a violation of R.S. 26:916(H)(4) or (5),  
7           each sale shall constitute a separate offense.

8           ~~D.F.~~ Any fine imposed upon any permittee or the revocation or suspension  
9           of a permit is in addition to and is not in lieu of or a limitation upon any other  
10          penalty imposed by law and not contained in this Chapter.

11          G. The commissioner shall promulgate rules and regulations in accordance  
12          with the Administrative Procedure Act to implement the provisions of this Section.

#### 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 630 Original

2020 Regular Session

Duplessis

**Abstract:** Allows the commissioner to suspend or penalize any person involved in the sale of vapor products sold to anyone under 18 years old, vapor paraphernalia and devices sold to anyone under 18 years old, and unauthorized products, and requires the commissioner to promulgate rules and regulations to implement these provisions.

Present law provides for civil penalties with regard to tobacco products.

Present law provides that the commissioner of the office of alcohol and tobacco control may impose the following schedule of fines in addition to suspending or revoking of a permit:

- (1) First offense, not less than \$50 but not more than \$500.
- (2) Second offense, that occurs within two years of first offense, not less than \$250 but not more than \$1,000.
- (3) Third offense, that occurs within two years of first offense, not less than \$500 but not more than \$2,500.

Present law provides that in the case of knowing or intentional violations of certain provisions regarding stamping agents, the stamping agent shall be subject to a civil penalty of up to \$1,000 and for the second or subsequent violation the agent shall be subject to a civil penalty of up to \$5,000 per violation.

Present law provides that any fine imposed or the revocation or suspension of a permit is in addition to not in lieu of or a limitation on any other penalty imposed by law and not contained in present law.

Proposed law retains present law and allows the commissioner to suspend a permit or penalize any person involved in the sale of unauthorized products and vapor products or vapor paraphernalia and devices to anyone under 18 years of age.

Proposed law requires the commissioner to promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of present and proposed law.

(Amends R.S. 26:918(B), (C), and (D); Adds R.S. 26:918(E), (F), and (G))