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HOUSE FLOOR AMENDMENTS

2025 Regular Session

Amendments proposed by Representative Romero to Engrossed House Bill No. 412 by Representative Romero

1 AMENDMENT NO. 1

2 On page line 2, after, "To amend and reenact" and before "relative to" delete "R.S.
3 26:926.1," and insert "R.S. 26:903(1) through (4), 911(B)(2) and (E), and 926.1 and to enact
4 R.S.14:91.16,"

5 AMENDMENT NO. 2

6 On page 1, line 2, after "nicotine products;" and before "to provide for" insert "to provide
7 for an increase in permit fees; to provide for the prohibition of remote sales of alternative
8 nicotine products; to provide for penalties;"

9 AMENDMENT NO. 3

10 On page 1, line 7, after, " Section 1, and before " hereby" delete "R.S. 26:926.1 is" and insert
11 "R.S. 26:903(1) through (4), 911(B)(2) and (E), and 926.1 are"

12 AMENDMENT NO. 4

13 On page 1, between lines 7 and 8 insert the following:

14 §903. Permit fees

15 The fees for each permit shall not exceed amounts provided for in the
16 following schedule and in accordance with regulations promulgated pursuant to the
17 provisions of the Administrative Procedure Act:

- 18 (1) Retail dealer permit – ~~\$25.00~~ \$100.00 per year or any portion thereof.
- 19 (2) Vending machine operator – ~~\$75.00~~ \$300.00 per year or any portion
20 thereof.
- 21 (3) Vending machine – ~~\$5.00~~ \$20.00 per machine per year or any portion
22 thereof.
- 23 (4) Wholesale dealer – ~~\$75.00~~ \$300.00 per year or any portion thereof.

24 * * *
25 §911. Acts prohibited

26 * * *

27 E. ~~No manufacturer shall sell any vapor products, electronic cigarettes, or
28 alternative nicotine products online to any person under the age of twenty-one.~~

29 ~~(1) At the time of any online purchase of vapor products, electronic
30 cigarettes, or alternative nicotine products, a manufacturer shall obtain and verify the
31 age of the recipient through the use of a real-time electronic age verification platform
32 that shall be approved by the commissioner, and the platform shall be capable of
33 both of the following:~~

34 ~~(a) Verifying proof of age through authoritative digitized identification card
35 technology.~~

36 ~~(b) Storing the recipient's name, age, date of birth, the expiration date of the
37 identification, and the date and time that the identification was verified.~~

~~(2) A manufacturer shall refuse the online purchase of any vapor products, electronic cigarettes, or alternative nicotine products if either:~~

~~(a) The recipient does not produce a valid and current form of identification as provided in this Subsection.~~

~~(b) There is reason to doubt the authenticity or correctness of the recipient's identification.~~

~~(3) At the time of any delivery of any vapor products, electronic cigarettes, or alternative nicotine products purchased online, a third-party delivery agent shall obtain the recipient's signature and verify the age of the recipient through the use of a real-time electronic age verification device that shall be approved by the commissioner, and the device shall be capable of the following:~~

~~(a) Verifying proof of age through authoritative digitized identification card technology.~~

~~(b) Reading a valid state-issued driver's license, a valid state-issued identification card, a valid military identification card, or a valid passport.~~

~~(c) Storing the recipient's name, age, date of birth, the expiration date of the identification, and the date and time that the identification was scanned.~~

~~(4) The third party's delivery agent shall refuse delivery and return the vapor products, electronic cigarettes, or alternative nicotine products to the manufacturer if any of the following occur:~~

~~(a) The recipient does not produce a valid and current form of identification as provided in this Section.~~

~~(b) There is reason to doubt the authenticity or correctness of the recipient's identification.~~

~~(c) The recipient refuses to sign for the receipt of the delivery.~~

~~(5) Any violation of this Subsection shall result in a fine of five hundred dollars per offense.~~

(1) No person shall cause any vapor product, alternative nicotine product, or electronic cigarette to be ordered or purchased by mail or through a computer network, telephonic network, or other network, to be shipped to any person within the state other than to a retail dealer, wholesale dealer or manufacturer with a valid permit.

(2) This Subsection applies regardless of whether the person engaged in the business of selling or distributing a vapor product, alternative nicotine product, or electronic cigarette is located within or without the state.

(3) A person shall not, with knowledge or reason to know of the violation, provide assistance to a person in violation of this Subsection.

(4) A person who violates this Subsection shall be subject to the following schedule of civil fines to be paid into the state treasury:

(a) For a first offense, not less than five hundred dollars but not more than one thousand dollars.

(b) For a second offense, which occurs within two years of the first offense, not less than one thousand dollars but not more than two thousand dollars, and their permit shall be suspended for six months.

(c) For a third offense, which occurs within two years of the first offense, not less than two thousand dollars but not more than four thousand dollars, and their permit shall be revoked.

(5) In addition to any civil fine imposed, a person who violates this Subsection shall be subject to criminal fines pursuant to R.S. 14:91.16 and fined not more than one thousand dollars, imprisoned for not more than six months, or both.

(6) The commissioner may, in addition to the civil fines imposed, revoke or suspend the permit issued under the authority of this Chapter.

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AMENDMENT NO. 5

On page 5, after line 12, add the following:

"Section 2. R.S. 14:91.16 is hereby enacted to read as follows:

1 §91.16. Unlawful remote sales of alternative nicotine products.

2 A. It shall be unlawful for any person to cause any vapor product, alternative
3 nicotine product, or electronic cigarette to be ordered or purchased by mail or
4 through a computer network, telephonic network, or other network, to be shipped to
5 any person within the state other than to a retail dealer, wholesale dealer, or
6 manufacturer with a valid permit.

7 B. This Section applies regardless of whether the person engaged in the
8 business of selling or distributing a vapor product, alternative nicotine product, or
9 electronic cigarette is located within or without the state.

10 C. A person shall not, with knowledge or reason to know of the violation,
11 provide assistance to a person in violation of this Subsection.

12 D. A person who violates this Section shall be fined not more than one
13 thousand dollars, imprisoned for not more than six months, or both."