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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Romero Watson.

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DIGEST

SB 403 Original

2020 Regular Session

Fred Mills

Present law prohibits the distribution of promotional samples of any tobacco product, alternative nicotine product, or vapor product to persons under the age of 18.

Proposed law raises the minimum age from 18 to 21 years and includes vapor paraphernalia and devices.

Present law prohibits manufacturers, distributors, retailers, or other persons from selling or distributing any tobacco product, alternative nicotine product, or vapor product to persons under the age of 18.

Proposed law raises the minimum age from 18 to 21 years and removes the requirement for knowledge in the sale or distribution of any tobacco product, alternative nicotine product, or vapor product to persons under the age of 21 and includes vapor paraphernalia and devices.

Proposed law includes facts and findings.

Present law further requires signs at points of sale and on vending machines for tobacco products stating, "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18".

Proposed law requires signs at the point of sale to be placed in a manner conspicuous to both employees and consumers, within six feet of each register and any other location where tobacco products, alternative nicotine products, vapor products or vapor paraphernalia and devices are available for purchase.

Present law prohibits any person under the age of 18 from buying any tobacco product, alternative nicotine product, or vapor product.

Proposed law changes present law by prohibiting the sale of any tobacco product, alternative nicotine product, vapor product, vapor paraphernalia and devices to persons under the age of 21.

Present law prohibits any person under the age of 18 from possessing any tobacco product, alternative nicotine product, or vapor product, unless accompanied by a parent, spouse, or legal guardian who is over 21 years old, or in a private residence, or when the product is handled in the course and scope of employment and required in the performance of such person's duties.

Proposed law changes the age to 21 and adds possession of vapor paraphernalia and devices. Proposed law deletes all exceptions in present law for underage persons except for underage persons

handling product in the course and scope of employment.

Proposed law includes facts and findings.

Present law requires the commissioner of alcohol and tobacco control to annually conduct random, unannounced inspections at locations where tobacco products are sold and distributed. The office of alcohol and tobacco control may enlist persons under the age of 18 to test compliance if the testing is under the direct supervision of employees of the office of alcohol and tobacco control and written parental consent has been provided.

Proposed law changes present law by requiring compliance checks, instead of inspections, and requires that they take place at least once annually. Also, allows persons between the age of 16 and 21 shall be enlisted to test compliance. Further requires unannounced follow-up compliance checks of all noncompliant retailers within three months of any violation of proposed law. The results of compliance checks are required to be made publicly available.

Present law allows for the purchase of tobacco products from vending machines by persons 18 years of age or older.

Proposed law changes present law by raising the minimum age from 18 to 21 years of age and adds vapor paraphernalia and devices.

Present law allows for the purchase of tobacco products from self-service displays by persons 18 years of age or older.

Proposed law amends present law by raising the minimum age from 18 to 21 years of age for persons who can purchase or receive tobacco products, alternative nicotine products, or vapor products from self-service displays.

Present law prohibits the sale of tobacco products to anyone under the age of 18.

Proposed law amends present law by raising the minimum age from 18 to 21 years of age for persons who may be sold tobacco products. Proposed law adds to present law by requiring that all persons engaging in the sale of tobacco products check the identification of any person attempting to purchase such product who appears under the age of 30.

Present law allows a retail dealer to meet certain conditions that would mitigate the consequences suffered if that retailer is found to be in violation of present law. Present law also requires the commissioner to establish by administrative rules the minimum requirements for an approved seller training program. Present law also exempts a retailer agent from the penalties of a violation if, within 180 days from the hiring of an agent, the retailer can prove that he has made an application to have the employee attend a training program.

Proposed law repeals present law.

Present law requires that signs at points of sale and on vending machines for tobacco products reflect "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18".

Proposed law updates the wording on signs required to be posted on vending machines to reflect the minimum age change from 18 to 21.

Effective August 1, 2020.

(Amends R.S. 14:91.6(A) and 91.8(C), (D), (E), and (F), R.S. 26:793(C)(1), 901.1, 910, 910.1(A), 911(A), and 917(A) and (C), and R.S. 47:851(C)(2); adds R.S. 26:901.1)