

## RÉSUMÉ DIGEST

ACT 567 (HB 621)

2024 Regular Session

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Existing law provides that no vapor retail dealer shall purchase alternative nicotine products, vapor products, or electronic cigarette products for resale except from a wholesale dealer operating with a valid unsuspended La. wholesale dealer permit and a valid stamping agent designation permit.

New law provides for the creation of a vapor product and alternative product directory.

New law provides that every vapor product manufacturer and alternative nicotine product manufacturer whose products are sold in this state, whether directly or through a wholesale dealer, retail dealer, or similar intermediary or intermediaries, shall execute and deliver on a form prescribed by the commissioner.

New law provides that every manufacturer shall execute and deliver a certification detailing certain information to the commissioner.

New law provides that each manufacturer shall provide a copy of the cover page of the premarket tobacco application with evidence of receipt of the application by the U.S. Food and Drug Administration (FDA) or a copy of the cover page of the marketing order or other authorization issued pursuant to federal law.

New law provides that any manufacturer submitting a certification shall notify the commissioner within 30 days of any material change to the certification.

New law requires the commissioner to develop and maintain a directory listing all vapor product manufacturers and alternative nicotine product manufacturers that have provided certifications that comply with new law.

New law requires the commissioner to do all of the following:

- (1) Make the directory available for public inspection on the office of alcohol and tobacco control's public website.
- (2) Update the directory as necessary in order to correct mistakes and to add or remove vapor product manufacturers and alternative nicotine product manufacturers or products manufactured by those manufacturers.
- (3) Send monthly notifications to each wholesale dealer, retail dealer, or manufacturer of vapor products and manufacturer of alternative nicotine products that have qualified or registered with the commissioner, by electronic communication, containing a list of all changes that have been made to the directory in the previous month. In lieu of sending monthly notifications, the commissioner may make the information available in a prominent place on the office of alcohol and tobacco control's public website.

New law provides a procedure for a manufacturer to add a vapor product or alternative nicotine product to the directory upon request by the manufacturer.

New law requires each certifying vapor product manufacturer or alternative nicotine product manufacturer to pay an initial fee of \$100 per product stock keeping unit or SKU to offset the costs incurred by the commissioner for processing the certifications and operating the directory.

New law provides that the commissioner shall collect an annual renewal fee of \$100 per product stock keeping unit or SKU to offset the costs associated with maintaining the directory and satisfying the requirements of new law.

New law beginning on the date that the commissioner makes the directory available for public inspection on its website, a vapor product manufacturer or alternative nicotine product manufacturer who offers for sale a vapor product or alternative nicotine product not listed

on the directory is subject to a \$1000 daily fine for each vapor product or alternative nicotine product offered for sale in violation of new law.

New law provides that the sale, possession, or transportation of vapor products or alternative nicotine products not listed on the directory by any person, including a permitted wholesale dealer or retail dealer, shall be subject to provisions of existing law (R.S. 47:858, 859, and 860) as if such wholesale dealer or retail dealer did not possess a valid permit.

New law provides that each unit of vapor product or alternative nicotine product sold or offered for sale, possessed, or transported shall constitute a separate violation for purposes of new law.

New law provides that any other violation of new law shall result in a fine of \$500 per offense.

New law requires the commissioner to adopt rules for the implementation and enforcement of new law.

New law repeals prior law (R.S. 26:926) in order to reenact and redesignate existing law.

Existing law provides for a La. Public Defender Board Compensation Fund funded by a tax levied on vapor products, with the proceeds being used exclusively to cover the cost of salary increases and related benefits for its employees.

New law changes the name of the fund from the La. Public Defender Board Compensation Fund to the Office of the State Public Defender Compensation Fund.

Effective upon signature of governor (June 10, 2024).

(Amends R.S. 26:911(B)(1)(b); Adds R.S. 26:926.1; Repeals R.S. 26:926)