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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

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## DIGEST

Gallot (SB 12)

Present law provides for the unlawful distribution of sample tobacco products. Proposed law adds alternative nicotine products to the present law.

Proposed law defines alternative nicotine product to mean a product, including an electronic cigarette, that consists of or contains nicotine that can be ingested into the body by chewing, absorbing, dissolving, or inhaling, or by any other means. Alternative nicotine product does not include:

- (1) A product that is a drug pursuant to 21 U.S.C. 321(g)(1).
- (2) A device pursuant to 21 U.S.C. 321(h).
- (3) A combination product described in 21 U.S.C. 353(g).

Proposed law defines electronic cigarette to mean a product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking and is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe. Electronic cigarette does not include:

- (1) A product that is a drug pursuant to 21 U.S.C. 321(g)(1).
- (2) A device pursuant to 21 U.S.C. 321(h).
- (3) A combination product described in 21 U.S.C. 353(g).

Present law provides for the unlawful sale, purchase, or possession of tobacco. Proposed law adds alternative nicotine products to the present law.

Present law provides in order to prevent persons under 18 years of age from purchasing or receiving tobacco products from vending machines, the sale or delivery of tobacco products through a vending machine is prohibited unless either:

- (1) The machine is located in an establishment to which persons under the age of eighteen are denied access.
- (2) The machine is located in facilities where the dealer ensures that no person younger than 18 years of age is present or permitted to enter at any time and the machine is located within the unobstructed line of sight of a dealer or a dealer's agent or employee who is

responsible for preventing persons younger than 18 years of age from purchasing tobacco products through that machine.

Proposed law adds alternative nicotine products to the present law.

Present law provides in order to prevent persons under 18 years of age from purchasing or receiving tobacco products from self-service displays, the sale or delivery of tobacco products through a self-service display is prohibited unless the machine is a vending machine that complies with the terms and provisions of present law.

Proposed law adds alternative nicotine products to the present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:91.8 and R.S. 26:910 and 910.1(A); adds R.S. 14:91.6(B)(6) and (7) and R.S. 26:901(28) and (29))