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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

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## DIGEST

Peacock (SB 151)

Present law prohibits the distribution of sample tobacco products to persons under the age of 18 years.

Proposed law retains present law and adds alternative nicotine products to the present law prohibition.

Proposed law defines "alternative nicotine product" as a product, including an electronic cigarette or vaporizer, that consists of or contains nicotine that can be ingested into the body by chewing, absorbing, dissolving, or inhaling, or by any other means. Proposed law further provides that "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" and "vaporizer" as a product or device that produces a vapor, regardless of the means or method by which the vapor is produced, 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, electronic pipe, or similar device. Proposed law further provides that "electronic cigarette" and "vaporizer" do 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 prohibits the sale of tobacco to or the purchase or possession of tobacco by persons under the age of 18 years.

Proposed law retains present law and adds alternative nicotine products to the present law prohibition.

Present law provides that, 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 18 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 retains present law and adds alternative nicotine products to present law.

Present law provides that, 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 retains present law and adds alternative nicotine products to present law.

Effective August 1, 2014.

(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))