

2015 Regular Session

HOUSE BILL NO. 349

BY REPRESENTATIVE JONES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SALES/TOBACCO DEALERS: Provides relative to vapor products

1 AN ACT

2 To amend and reenact R.S. 26:901(10), (22), and (26)(introductory paragraph), relative to
3 tobacco products; to provide relative to certain vapor products; to provide relative
4 to manufacturers of tobacco products; to provide relative to stamping agents; to
5 provide relative to excise or tobacco taxes; to provide for definitions; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:901(10), (22), and (26)(introductory paragraph) are hereby
9 amended and reenacted to read as follows:

10 §901. Definitions

11 As used in this Chapter, the following terms have the meaning ascribed to
12 them in this Section, unless the context clearly indicates otherwise:

13 * * *

14 (10) "Manufacturer" means anyone engaged in the manufacture, production,
15 or foreign importation of tobacco products, vapor products, or alternative nicotine
16 products who sells to wholesalers. A manufacturer shall specifically include a
17 person that mixes, compounds, repackages, or resizes vapor products.

18 * * *

19 (22) "Stamping agent" means a dealer that is authorized to affix tax stamps
20 to any packages or other containers of cigarettes under R.S. 47:843 et seq. or any

1 dealer that is required to pay the excise tax or tobacco tax imposed pursuant to R.S.
2 47:841 et seq. on cigarettes.

3 * * *

4 (26) "Vapor product" means any non-combustible product containing
5 nicotine or other substances that employs a heating element, power source, electronic
6 circuit, or other electronic, chemical or mechanical means, regardless of shape or
7 size, that can be used to produce vapor from nicotine in a solution or other form and
8 is manufactured, distributed, marketed, or sold as any type of derivation of a vapor
9 product. "Vapor product" includes any electronic cigarette, electronic cigar,
10 electronic cigarillo, electronic pipe, or similar product or device and any vapor
11 cartridge or other container of nicotine in a solution or other form that is intended to
12 be used with or in an electronic cigarette, electronic cigar, electronic cigarillo,
13 electronic pipe, or similar product or device. "Vapor product" does not include any
14 of the following:

- 15 (a) Product that is a drug pursuant to 21 U.S.C. §321(g)(1).
- 16 (b) Device pursuant to 21 U.S.C. §321(h).
- 17 (c) Combination product described in 21 U.S.C. §353(g).

18 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part
of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Provides relative to certain vapor products.

Present law provides for definitions relative to tobacco products.

Proposed law retains present law and adds to the definition of "manufacturer" and "vapor
products" the regulation of vapor products or alternative nicotine products.

(Amends R.S. 26:901(10), (22), and (26)(intro. para.))