

2018 Regular Session

HOUSE BILL NO. 56

BY REPRESENTATIVE HOFFMANN

TOBACCO/TOBACCO PRODUCTS: Provides relative to the signs displayed at the point of purchase of any tobacco, alternative nicotine, or vapor product

1 AN ACT

2 To amend and reenact R.S. 14:91.8(C), (D), and (G)(1)(c), (d), and (e) and (7), relative to  
3 the unlawful sale, purchase, or possession of tobacco, alternative nicotine product,  
4 or vapor product; to provide relative to the signs required to be displayed at the point  
5 of purchase or on the vending machine of any tobacco product, alternative nicotine  
6 product, or vapor product; to require the displayed sign to include information about  
7 the Louisiana Tobacco Quitline; to make technical corrections to citations; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:91.8(C), (D), and (G)(1)(c), (d), and (e) and (7) are hereby  
11 amended and reenacted to read as follows:

12 §91.8. Unlawful sale, purchase, or possession of tobacco, alternative nicotine  
13 product, or vapor product; signs required; penalties

14 \* \* \*

15 C. It is unlawful for any manufacturer, distributor, retailer, or other person  
16 knowingly to sell or distribute any tobacco product, alternative nicotine product, or  
17 vapor product to a person under the age of eighteen. However, it shall not be  
18 unlawful for a person under the age of eighteen to accept receipt of a tobacco  
19 product, alternative nicotine product, or vapor product from an employer when  
20 required in the performance of such person's duties. At the point of purchase, a sign,

1 in ~~type~~ not less than 30-point type, shall be displayed that reads "LOUISIANA LAW  
 2 PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE  
 3 NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE  
 4 18". The sign shall also include a notice that displays the telephone number for the  
 5 Louisiana Tobacco Quitline (1-800-QUIT-NOW) and the website for the Louisiana  
 6 Tobacco Quitline (www.quitwithusla.org), as determined by the state department of  
 7 health.

8 D. It is unlawful for a vending machine operator to place in use a vending  
 9 machine to vend any tobacco product, alternative nicotine product, or vapor product  
 10 automatically, unless the machine displays a sign or sticker in not less than 22-point  
 11 type on the front of the machine stating, "LOUISIANA LAW PROHIBITS THE  
 12 SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR  
 13 VAPOR PRODUCTS TO PERSONS UNDER AGE 18". The sign shall also include  
 14 a notice that displays the telephone number for the Louisiana Tobacco Quitline (1-  
 15 800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline  
 16 (www.quitwithusla.org), as determined by the state department of health.

17 \* \* \*

18 G. For purposes of this Section, the following definitions apply:

19 (1) "Alternative nicotine product" means any non-combustible product  
 20 containing nicotine that is intended for human consumption, whether chewed,  
 21 absorbed, dissolved, or ingested by any other means. "Alternative nicotine product"  
 22 does not include any:

23 \* \* \*

24 (c) Product that is a drug pursuant to 21 U.S.C. ~~§321(g)(1)~~ 321(g)(1).

25 (d) Device pursuant to 21 U.S.C. ~~§321(h)~~ 321(h).

26 (e) Combination product described in 21 U.S.C. ~~§353(g)~~ 353(g).

27 \* \* \*

28 (7) "Vapor product" means any non-combustible product containing nicotine  
 29 or other substances that employs a heating element, power source, electronic circuit,

1 or other electronic, chemical or mechanical means, regardless of shape or size, that  
 2 can be used to produce vapor from nicotine in a solution or other form. "Vapor  
 3 product" includes any electronic cigarette, electronic cigar, electronic cigarillo,  
 4 electronic pipe, or similar product or device and any vapor cartridge or other  
 5 container of nicotine in a solution or other form that is intended to be used with or  
 6 in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or  
 7 similar product or device. "Vapor product" does not include any of the following:

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

11 \* \* \*

12 Section 2. The provisions of this Act shall become effective on November 1, 2018.

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#### 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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HB 56 Reengrossed

2018 Regular Session

Hoffmann

**Abstract:** Requires the telephone number and website for the La. Tobacco Quitline to be included on signs displayed at the point of purchase or on the vending machine of any tobacco product, alternative nicotine product, or vapor product.

Present law prohibits any manufacturer, distributor, retailer, or other person from knowingly selling or distributing any tobacco product, alternative nicotine product, or vapor product to a person under the age of 18.

Present law further requires a sign to be displayed at the point of purchase, in not less than 30-point type, that reads "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE 18".

Present law prohibits a vending machine operator from placing in use a vending machine to vend any tobacco product, alternative nicotine product, or vapor product automatically, unless the machine displays a sign or sticker in not less than 22-point type on the front of the machine stating, "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE 18".

Proposed law retains present law and further requires the sign displayed at the point of purchase and on the vending machine to include a notice that displays the telephone number

for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as determined by the state department of health.

Proposed law makes technical changes to references in present law to the United States Code.

Effective Nov. 1, 2018.

(Amends R.S. 14:91.8(C), (D), and (G)(1)(c), (d), and (e) and (7))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Remove lettering size requirement for the notice postings.
2. Add effective date of Nov. 1, 2018.