

2019 Regular Session

HOUSE BILL NO. 38

BY REPRESENTATIVE HOFFMANN

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

CRIME: Raises the minimum age relative to the distribution, sale, purchase, or possession of tobacco products, alternative nicotine products, or vapor products

1 AN ACT

2 To amend and reenact R.S. 14:91.6(A) and 91.8(C), (D), (E), and (F)(1) and (2)(introductory
3 paragraph) and (a), relative to offenses affecting general morality; to provide relative
4 to the unlawful distribution, sale, purchase, or possession of tobacco, alternative
5 nicotine, or vapor products; to raise the minimum age of persons relative to the
6 distribution, sale, purchase, or possession of any tobacco, alternative nicotine, or
7 vapor product; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:91.6(A) and 91.8(C), (D), (E), and (F)(1) and (2)(introductory
10 paragraph) and (a) are hereby amended and reenacted to read as follows:

11 §91.6. Unlawful distribution of sample tobacco products, alternative nicotine
12 products, or vapor products to persons under age ~~eighteen~~ twenty-one;
13 penalty

14 A. No person shall distribute or cause to be distributed to persons under
15 ~~eighteen~~ twenty-one years of age a promotional sample of any tobacco product,
16 alternative nicotine product, or vapor product.

17 * * *

18 §91.8. Unlawful sale, purchase, or possession of tobacco, alternative nicotine
19 ~~product~~ products, or vapor ~~product~~ products; signs required; penalties

20 * * *

1 C. It is unlawful for any manufacturer, distributor, retailer, or other person
2 knowingly to sell or distribute any tobacco product, alternative nicotine product, or
3 vapor product to a person under the age of ~~eighteen~~ twenty-one. However, it shall
4 not be unlawful for a person under the age of ~~eighteen~~ twenty-one to accept receipt
5 of a tobacco product, alternative nicotine product, or vapor product from an
6 employer when required in the performance of such person's duties. At the point of
7 purchase, a sign, in not less than 30-point type, shall be displayed that reads
8 "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS,
9 ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO
10 PERSONS UNDER AGE ~~18~~ 21". The sign shall also include a notice that displays
11 the telephone number for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and
12 the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as
13 determined by the ~~state department of health~~ Louisiana Department of Health.

14 D. It is unlawful for a vending machine operator to place in use a vending
15 machine to vend any tobacco product, alternative nicotine product, or vapor product
16 automatically, unless the machine displays a sign or sticker in not less than 22-point
17 type on the front of the machine stating, "LOUISIANA LAW PROHIBITS THE
18 SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR
19 VAPOR PRODUCTS TO PERSONS UNDER AGE ~~18~~ 21". The sign shall also
20 include a notice that displays the telephone number for the Louisiana Tobacco
21 Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline
22 (www.quitwithusla.org), as determined by the ~~state department of health~~ Louisiana
23 Department of Health.

24 E. It is unlawful for any person under the age of ~~eighteen~~ twenty-one to buy
25 any tobacco product, alternative nicotine product, or vapor product.

26 F.(1) It is unlawful for any person under the age of ~~eighteen~~ twenty-one to
27 possess any tobacco product, alternative nicotine product, or vapor product.

