
HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill
No. 38 by Representative Hoffmann

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 and 3 in their entirety and insert the following:

3 "To amend and reenact R.S. 14:91.6(A) and 91.8(C) through (E), R.S. 26:793(C)(1), 910,
4 910.1(A), 911(A), and 917, and R.S. 47:851(C)(2) and to repeal R.S. 14:91.8(F), relative to
5 offenses affecting general morality; to provide relative"6 AMENDMENT NO. 27 On page 1, delete line 4 in its entirety and insert in lieu thereof "to the unlawful distribution
8 or sale of tobacco, alternative"9 AMENDMENT NO. 310 On page 1, delete line 6 in its entirety and insert in lieu thereof "distribution or sale of any
11 tobacco, alternative nicotine, or"12 AMENDMENT NO. 413 On page 1, line 7, after "product;" and before "and" insert "to require unannounced
14 compliance checks; to increase the age of persons permitted to receive tobacco products
15 from vending machines; to increase the age of persons permitted to receive tobacco products
16 from self-serve displays; to require identification under certain circumstances;"17 AMENDMENT NO. 518 On page 1, delete lines 9 and 10 in their entirety and insert in lieu thereof "Section 1. R.S.
19 14:91.6(A) and 91.8(C) through (E) are hereby amended and reenacted to read as follows:"20 AMENDMENT NO. 621 On page 1, delete line 18 in its entirety and insert in lieu thereof "§91.8. Unlawful sale;
22 ~~purchase, or possession~~ of tobacco, alternative nicotine"23 AMENDMENT NO. 7

24 On page 2, line 2, delete "knowingly"

25 AMENDMENT NO. 826 On page 2, line 7, delete "purchase" and insert "sale"27 AMENDMENT NO. 928 On page 2, line 7, after "displayed" insert "in a manner conspicuous to both employees and
29 consumers, within six feet of each register and any other location where tobacco products,
30 alternative nicotine products, or vapor products are available for purchase,"31 AMENDMENT NO. 1032 On page 2, line 24, delete "buy" and insert "be sold"

1 AMENDMENT NO. 11

2 On page 2, delete lines 26 and 27 in their entirety

3 AMENDMENT NO. 12

4 On page 3, delete lines 1 through 5 in their entirety

5 AMENDMENT NO. 13

6 On page 3, after line 6, insert the following:

7 "Section 2. R.S. 26:793(C)(1), 910, 910.1(A), 911(A)(1), and 917 are hereby
8 amended and reenacted to read as follows:

9 §793. Violations by employee; employer liability

10 * * *

11 C.(1) In order to ensure compliance with "Prevention of Youth Access to
12 Tobacco Law", the commissioner shall at least once annually conduct random,
13 unannounced ~~inspections~~ compliance checks at locations where tobacco products,
14 alternative nicotine products, or vapor products are sold or distributed. Persons
15 ~~under over the age of eighteen~~ the age of ~~eighteen~~ twenty-one ~~may~~ shall be enlisted
16 by employees of the office of alcohol and tobacco control to test compliance, but
17 such persons may be used only if the testing is conducted under the direct
18 supervision of such employees ~~and written parental consent has been provided~~. Any
19 person under the age of eighteen shall either carry the person's own identification
20 showing the person's correct date of birth or shall carry no identification. A person
21 under the age of ~~eighteen~~ twenty-one who carries identification shall, on request,
22 present it to any seller of tobacco products. In addition, any person under the age of
23 ~~eighteen~~ twenty-one enlisted under this Subsection shall truthfully answer any
24 questions about the person's age. Any other use of persons under the age of ~~eighteen~~
25 twenty-one to test compliance with the provisions of this Section or any other
26 prohibition of like or similar import shall be unlawful and the person or persons
27 responsible for such use shall be subject to the penalties prescribed in R.S.
28 14:91.8(H). Unannounced follow-up compliance checks of all noncompliant retailers
29 are required within three months of any violation of this Chapter or the Prevention
30 of Youth Access to Tobacco Law. The results of all compliance checks shall be
31 made publicly available.

32 * * *

33 §910. Vending machines

34 In order to prevent persons under ~~eighteen~~ twenty-one years of age from
35 purchasing or receiving tobacco products, alternative nicotine products, or vapor
36 products from vending machines, the sale or delivery of such products through a
37 vending machine is prohibited unless either of the following apply:

38 (1) The machine is located in an establishment to which persons under the
39 age of ~~eighteen~~ twenty-one are denied access.

40 (2) The machine is located in facilities where the dealer ensures that no
41 person younger than ~~eighteen~~ twenty-one years of age is present or permitted to enter
42 at any time and the machine is located within the unobstructed line of sight of a
43 dealer or a dealer's agent or employee who is responsible for preventing persons
44 younger than ~~eighteen~~ twenty-one years of age from purchasing tobacco products,
45 alternative nicotine products, or vapor products through that machine.

46 §910.1 Self-service displays

47 A. In order to prevent persons under ~~eighteen~~ twenty-one years of age from
48 purchasing or receiving tobacco products, alternative nicotine products, or vapor

1 products from self-service displays, the sale or delivery of such products through a
2 self-service display is prohibited unless the machine is a vending machine as defined
3 in R.S. 26:910 that complies with the terms and provisions of that Section.

4 * * *

5 §911. Acts prohibited

6 A. No person, agent, associate, employee, representative, or servant of any
7 person shall permit any of the following acts to be done on or about any premises
8 which sells or offers for sale tobacco products, alternative nicotine products, or vapor
9 products:

10 (1) Sell or serve tobacco products, alternative nicotine products, or vapor
11 products over-the-counter in a retail establishment to any person under the age of
12 ~~eighteen~~ twenty-one. All persons engaging in the retail sale of tobacco products,
13 alternative nicotine products, or vapor products shall check the identification of
14 tobacco purchasers to establish the age of the purchaser if the person appears to be
15 under the age of thirty. A person shall verify age by submitting ~~unless such person~~
16 ~~submits~~ a driver's license, selective service card, or other lawful identification which
17 on its face establishes the age of the person as ~~eighteen~~ twenty-one years or older and
18 there is no reason to doubt the authenticity or correctness of the identification.

19 * * *

20 §917. Violations by employee; employer liability

21 A. Sale of tobacco products, alternative nicotine products, or vapor products
22 to a ~~minor~~ person under twenty-one years of age by a retail dealer's agent, associate,
23 employee, representative, or servant shall be considered an act of the retail dealer for
24 purposes of suspension, revocation, or assessment of civil penalties, ~~unless all of the~~
25 ~~following conditions exist:~~

- 26 (1) ~~The employer requires employees to attend a commissioner-approved~~
27 ~~seller training program.~~
- 28 (2) ~~The employee actually attends the training program.~~
- 29 (3) ~~The employer does not directly or indirectly encourage the employee to~~
30 ~~violate the prohibited sales provisions of this Chapter.~~

31 B. ~~The commissioner shall establish by administrative rule the minimum~~
32 ~~requirements for an approved seller training program. Upon submission of an~~
33 ~~application which establishes the course curriculum the commissioner may approve~~
34 ~~seller training programs with the minimum requirements. Training courses may be~~
35 ~~approved which are offered through private seminars or by accredited colleges or~~
36 ~~universities. The commissioner may charge an application fee in such amount as is~~
37 ~~necessary to defray the expense of processing the application.~~

38 C. ~~The provisions of Subsection A of this Section shall not apply if a retail~~
39 ~~dealer, or lawful retailer of alternative nicotine products or vapor products, as~~
40 ~~applicable, within one hundred eighty days from the hiring of an agent, associate,~~
41 ~~employee, representative, or servant can prove that he has made application to have~~
42 ~~the employee attend a training program or the retail dealer or lawful retailer, as~~
43 ~~applicable, has received an extension of time in which to comply from the~~
44 ~~commissioner because of unavailability of a training program.~~

45 Section 3. R.S. 47:851(C)(2) is hereby amended and reenacted to read as follows:
46 §851. Monthly reports required; dealers receiving unstamped cigarettes, cigars, and
47 smoking tobaccos; dealers receiving certain items for which taxes are not
48 paid; vending machine restrictions

49 * * *

50 C. Vending machine operators.

51 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (2) In accordance with R.S. 14:91.8(D), vending machine operators shall affix a
2 sign or sticker in not less than 22-point type on the front of each machine stating,
3 "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS,
4 ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS
5 UNDER AGE ~~18~~ 21".

6
7

* * *

8 Section 4. R.S. 14:91.8(F) is hereby repealed in its entirety."