
DIGEST

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HB 38 Reengrossed

2019 Regular Session

Hoffmann

Abstract: Raises the minimum age for the distribution or sale of tobacco, alternative nicotine products, or vapor products from persons under the age of 18 to those under 21 years of age and establishes exceptions for first responders and active members and veterans of the armed forces.

Present law prohibits the distribution of promotional samples of any tobacco product, alternative nicotine product, or vapor product to persons under the age of 18.

Proposed law raises the minimum age from 18 to 21 years. Proposed law exempts persons 18 years old on or before Dec. 31, 2019, and first responders or active members or veterans of the armed forces.

Present law prohibits manufacturers, distributors, retailers, or other persons from selling or distributing any tobacco product, alternative nicotine product, or vapor product to persons under the age of 18.

Proposed law raises the minimum age from 18 to 21 years and removes the requirement for knowledge in the sale or distribution of any tobacco product, alternative nicotine product, or vapor product to persons under the age of 21.

Present law further requires signs at points of sale and on vending machines for tobacco products stating, "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18".

Proposed law requires signs at the point of sale to be placed in a manner conspicuous to both employees and consumers, within six feet of each register and any other location where tobacco products, alternative nicotine products, or vapor products are available for purchase.

Present law prohibits any person under the age of 18 from buying any tobacco product, alternative nicotine product, or vapor product.

Proposed law changes present law by prohibiting the sale of any tobacco product, alternative nicotine product, or vapor product to persons under the age of 21, except persons 18 years old on or before Dec. 31, 2019. Proposed law further exempts first responders or active members and veterans of the armed forces.

Present law prohibits any person under the age of 18 from possessing any tobacco product, alternative nicotine product, or vapor product.

Proposed law repeals present law.

Present law requires the commissioner of alcohol and tobacco control to annually conduct random, unannounced inspections at locations where tobacco products are sold and distributed. The office of alcohol and tobacco control may enlist persons under the age of 18 to test compliance if the testing is under the direct supervision of employees of the office of alcohol and tobacco control and written parental consent has been provided.

Proposed law changes present law by requiring that compliance checks, instead of inspections, take place at least once annually. Persons between the age of 18 and 21 shall be enlisted to test compliance. Further requires unannounced follow-up compliance checks of all noncompliant retailers within three months of any violation of present law. The results of compliance checks are required to be made publicly available.

Present law allows for the purchase of tobacco products from vending machines by persons 18 years of age or older.

Proposed law changes present law by raising the minimum age from 18 to 21 years of age for persons who can purchase or receive tobacco products, alternative nicotine products, or vapor products from vending machines. Proposed law exempts persons 18 years old on or before Dec. 31, 2019, and first responders or active members or veterans of the armed forces.

Present law allows for the purchase of tobacco products from self-service displays by persons 18 years of age or older.

Proposed law amends present law by raising the minimum age from 18 to 21 years of age for persons who can purchase or receive tobacco products, alternative nicotine products, or vapor products from self-service displays. Proposed law exempts persons 18 years old on or before Dec. 31, 2019, and first responders or active members or veterans of the armed forces.

Present law prohibits the sale of tobacco products to anyone under the age of 18.

Proposed law amends present law by raising the minimum age from 18 to 21 years of age for persons who may be sold tobacco products. Proposed law adds to present law by requiring that all persons engaging in the sale of tobacco products check the identification of any person attempting to purchase such product who appears under the age of 30. Proposed law exempts persons 18 years old on or before Dec. 31, 2019, and first responders or active members or veterans of the armed forces.

Present law allows a retail dealer to meet certain conditions that would mitigate the consequences suffered if that retailer is found to be in violation of present law. Present law also requires the commissioner to establish by administrative rules the minimum requirements for an approved seller

training program. Present law also exempts a retailer agent from the penalties of a violation if, within 180 days from the hiring of an agent, the retailer can prove that he has made an application to have the employee attend a training program.

Proposed law repeals present law.

Present law requires that signs at points of sale and on vending machines for tobacco products reflect "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER AGE 18".

Proposed law updates the wording on signs required to be posted on vending machines to reflect the minimum age change from 18 to 21 and exception for persons 18 years old prior to Dec. 31, 2019.

(Amends R.S. 14:91.6(A) and 91.8(C)-(E) and (F), R.S. 26:793(C)(1), 910, 910.1(A), 911(A)(1), and 917, and R.S. 47:851(C)(2); Adds R.S. 14:91.6(D) and 91.8(K), and R.S. 26:910.1(C) and 911(D); Repeals R.S. 14:91.8(F))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Revise present law by eliminating the words "purchase or possession".
2. Revise present law by removing the requirement that a manufacturer, distributor, or retailer have actual knowledge that they are selling or distributing a tobacco product, alternative nicotine product, or vapor product to a person under the age of 21.
3. Revise present law by requiring the posting of signs at the point of sale instead of at the point of purchase.
4. Add additional posting requirements for signs prohibiting the sale of tobacco products, alternative nicotine products, or vapor products.
5. Repeal provision that makes it unlawful for a person under the age of 18 to possess tobacco products, alternative nicotine products, or vapor products.
6. Add to the powers of the commissioner of alcohol and tobacco control by requiring unannounced follow-up compliance checks within 3 months of any violation and mandate that the results of such check be made publicly available.
7. Raise the minimum age from 18 to 21 years of persons enlisted by employees of the office of alcohol and tobacco control to test compliance.
8. Raise the minimum age from 18 to 21 years for any person purchasing tobacco products or alternative nicotine products from vending machines and self-service displays.
9. Require retailers to check the identification of anyone attempting to purchase tobacco products or alternative nicotine products who appear to be under the age of 30.
10. Repeal conditions under which the sale of tobacco products to a minor by a retail dealer's agent, associate, employee, representative, or servant can be considered the act of the retail dealer for the purposes of suspension, revocation, or assessment of civil penalties.
11. Update the wording on signs required to be posted on vending machines to reflect the

minimum age change from 18 to 21 years.

12. Make technical changes.

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Add exceptions for persons who turn 18 years of age on or before Dec. 31, 2019.
2. Add exceptions for person who are first responders and active members or veterans of the armed forces. Further requires first responders and active members or veterans to carry identification to show the person's status as a first responder or member of the armed forces.
3. Add language to signs indicating the exception of persons who turn 18 years of age on or before Dec. 31, 2019.
4. Make technical corrections.