HOUSE BILL NO. 244

## BY REPRESENTATIVE PIERRE AND SENATOR CARTER

AN ACT

To amend and reenact R.S. 26:901(34), 906(A), and 911(B)(1) and (2) and to enact R.S. 26:901(35), $911(\mathrm{D})$, and 925 , relative to the office of alcohol and tobacco control; to provide relative to vapor products and alternative nicotine products; to amend the definition of "wholesale dealer"; to provide for the regulation of such products; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 26:901(34), 906(A), and 911(B)(1) and (2) are hereby amended and reenacted and R.S. 26:901(35), 911 (D), and 925 are hereby enacted to read as follows: §901. Definitions

As used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:
(34) "Wholesale dealer" means a dealer whose principal business is that of a wholesaler, who sells cigarettes, cigars, or other tobacco products, vapor products, or alternative nicotine products to retail dealers for the purpose of resale, who is a bona fide wholesaler, and fifty percent of whose total tobacco, vapor, and alternative nicotine sales are to retail stores other than its own or those of its subsidiaries or parent companies within Louisiana. Wholesale dealer shall include any person in the state who acquires cigarettes solely for the purpose of resale in vending machines, provided such person services fifty or more cigarette vending machines in Louisiana other than his own, and a Louisiana dealer who was affixing cigarette and tobacco

## Page 1 of 4

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stamps as of January 1, 1974. If any person is engaged in the business of making sales at both wholesale and retail, "wholesaler" shall apply only to the wholesale portion of the business.
(35) "E-liquid" means a substance that does not include cannabis or CBD as defined under the laws of this state and the laws of the United States and which meets all of the following criteria:
(a) May or may not contain nicotine.
(b) Is intended to be vaporized and inhaled using a vapor product.
(c) Is a legal substance under the laws of this state and the laws of the United States.
§906. General requirements
A. Every person who sells or is about to engage in the business of selling at retail, at wholesale, or by vending machine, or is about to engage in the business of receiving unstamped and/or non-tax paid eigarettes, cigars, or other tobacco products, vapor products, or alternative nicotine products or who is engaged in the business of receiving stamped cigarettes at wholesale or any or all of the articles taxed in accordance with Title 47 of the Louisiana Revised Statutes of 1950, shall first apply to and obtain from the office a permit for each place of business and each vending machine.
§911. Acts prohibited
B.(1)(a) No retail dealer shall purchase tobacco products for resale except from a wholesale dealer operating with a valid unsuspended wholesale dealer permit, except as provided for in this Chapter.
(b) No vapor retail dealer shall purchase alternative nicotine products or vapor products for resale except from a manufacturer of those products or a wholesale dealer operating with a valid unsuspended Louisiana wholesale dealer permit, except as provided for in this Chapter.

Page 2 of 4
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(2) No wholesale dealer shall sell tobacco products, alternative nicotine products, or vapor products for resale except to a retail dealer operating with either a valid registration certificate or a valid unsuspended permit.
D. Manufacturers of vapor products shall not sell vapor products in this state without authorization from the office of alcohol and tobacco control pursuant to rules promulgated by the commissioner of the office of alcohol and tobacco control. The request for authorization shall include:
(1) The name, telephone number, and address of the applicant.
(2) The name, telephone number, and address of the manufacturing facility.
(3) The name, telephone number, title, and address of the person responsible for the manufacturing facility.
(4) Verification that the facility will comply with applicable tobacco products good manufacturing practices pursuant to 21 U.S.C. $387 \mathrm{f}(\mathrm{e})$ of the Federal Food, Drug, and Cosmetic Act.
(5) Verification that the manufacturer will comply with the applicable ingredient listing required by 21 U.S.C. $387 \mathrm{~d}(\mathrm{a})(1)$ of the Federal Food, Drug, and Cosmetic Act.

## §925. Additional Requirements

To the extent that they do not conflict, the provisions of this Chapter that provide for the regulation of tobacco products shall also apply to vapor products and alternative nicotine products. Such provisions shall include but are not limited to provisions governing the responsible vendor program, server liability, and the sale of all such products.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: $\qquad$

