
SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 635 by Representative Hollis

1 AMENDMENT NO. 1

2 On page 1, line 12, after "directory;" insert the following:
3 "to provide for the notice requirements; to provide for an administrative process; to
4 provide relative to removal of products from the directory; to provide relative to civil
5 actions;"

6 On page 5, between line 11 insert the following:
7 "G. The commissioner shall provide manufacturers notice and an opportunity
8 to cure deficiencies before removing manufacturers or products from the directory.

9 (1) The commissioner may not remove the manufacturer or its products from
10 the directory until at least fifteen days after the manufacturer has been given notice
11 of an intended action. Notice shall be sufficient and be deemed immediately received
12 by a manufacturer if the notice is sent either electronically or by facsimile to an
13 electronic mail address or facsimile number provided by the manufacturer in its most
14 recent certification filed under Subsection A or C.

15 (2) The manufacturer of the vapor product or alternative nicotine product
16 shall have fifteen business days from the date of service of the notice of the
17 commissioner's intended action to establish that the manufacturer or its products
18 should be included in the directory.

19 (3) A determination by the commissioner to not include or to remove from
20 the directory a manufacturer or a manufacturer's product shall be subject to review
21 by the filing of a civil action for prospective declaratory or injunctive relief.

22 H. If a product is removed from the directory, each retailer and distributor or
23 wholesaler shall have twenty-one days from the day such product is removed from
24 the directory to remove the product from its inventory and return the product to the
25 manufacturer for disposal. After twenty-one days following removal from the
26 directory, the vapor products or alternative nicotine products of a manufacturer
27 identified in the notice of removal are considered contraband and are subject to
28 seizure, forfeiture, and destruction, and may not be purchased or sold in the state."

29 AMENDMENT NO. 2

30 On page 5, line 12, delete "G." and insert "I."

31 AMENDMENT NO. 3

32 On page 5, line 20, delete "H." and insert "J."

33 AMENDMENT NO. 4

34 On page 6, line 1, delete "I." and insert "K."

35 AMENDMENT NO. 5

36 On page 6, line 8, delete "J." and insert "L."

37 AMENDMENT NO. 6

38 On page 6, line 10, delete "K." and insert "M."