

GREEN SHEET REDIGEST

HB 621

2024 Regular Session

Stagni

TOBACCO/TOBACCO PRODUCTS: Provides relative to vapor products.

DIGEST

Present law provides that no vapor retail dealer shall purchase alternative nicotine products, vapor products, or electronic cigarette products for resale except from a wholesale dealer operating with a valid unsuspended La. wholesale dealer permit and a valid stamping agent designation permit.

Proposed law provides for the creation of a vapor product and alternative product directory.

Proposed law provides that every vapor product manufacturer and alternative nicotine product manufacturer whose products are sold in this state, whether directly or through a wholesale dealer, retail dealer, or similar intermediary or intermediaries, shall execute and deliver on a form prescribed by the commissioner.

Proposed law provides that every manufacturer shall execute and deliver a certification detailing certain information to the commissioner.

Proposed law provides that each manufacturer shall provide a copy of the cover page of the premarket tobacco application with evidence of receipt of the application by the U.S. Food and Drug Administration (FDA) or a copy of the cover page of the marketing order or other authorization issued pursuant to federal law.

Proposed law provides that any manufacturer submitting a certification shall notify the commissioner within 30 days of any material change to the certification.

Proposed law requires the commissioner to develop and maintain a directory listing all vapor product manufacturers and alternative nicotine product manufacturers that have provided certifications that comply with proposed law.

Proposed law requires the commission to do all of the following:

- (1) Make the directory available for public inspection on the office of alcohol and tobacco control's public website.
- (2) Update the directory as necessary in order to correct mistakes and to add or remove vapor product manufacturers and alternative nicotine product manufacturers or products manufactured by those manufacturers.
- (3) Send monthly notifications to each wholesale dealer, retail dealer, or manufacturer of vapor products and manufacturer of alternative nicotine products that have qualified or registered with the commissioner, by electronic communication, containing a list of all changes that have been made to the directory in the previous month. In lieu of sending monthly notifications, the commissioner may make the information available in a prominent place on the office of alcohol and tobacco control's public website.

Proposed law provides a procedure for a manufacturer to add a vapor product or alternative nicotine product to the directory upon request by the manufacturer.

Proposed law requires each certifying vapor product manufacturer or alternative nicotine product manufacturer to pay an initial fee of \$100 per product stock keeping unit or SKU to offset the costs incurred by the commissioner for processing the certifications and operating the directory.

Proposed law provides that the commissioner shall collect an annual renewal fee of \$100 per product stock keeping unit or SKU to offset the costs associated with maintaining the directory and satisfying the requirements of proposed law.

Proposed law beginning on the date that the commissioner makes the directory available for public inspection on its website, a vapor product manufacturer or alternative nicotine product manufacturer who offers for sale a vapor product or alternative nicotine product not listed on the directory is subject to a \$1000 daily fine for each vapor product or alternative nicotine product offered for sale in violation of proposed law.

Proposed law provides that the sale, possession, or transportation of vapor products or alternative nicotine products not listed on the directory by any person, including a permitted wholesale dealer or retail dealer, shall be subject to provisions of present law (R.S. 47:858, 859, and 860) as if such wholesale dealer or retail dealer did not possess a valid permit.

Proposed law provides that each unit of vapor product or alternative nicotine product sold or offered for sale, possessed, or transported shall constitute a separate violation for purposes of proposed law.

Proposed law provides that any other violation of proposed law shall result in a fine of \$500 per offense.

Proposed law requires the commissioner to adopt rules for the implementation and enforcement of proposed law.

Proposed law repeals present law (R.S. 26:926) in order to reenact and redesignate existing law.

Present law provides for a Louisiana Public Defender Board Compensation Fund funded by a tax levied on vapor products, with the proceeds being used exclusively to cover the cost of salary increases and related benefits for its employees.

Proposed law changes the name of the fund from the Louisiana Public Defender Board Compensation Fund to the Office of the State Public Defender Compensation Fund.

Effective upon signature of governor or lack of time for gubernatorial action.

(Amends R.S. 26:911(B)(1)(b); adds R.S. 26:926.1; repeals R.S. 26:926)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the engrossed bill

1. Makes technical changes.
2. Adds provision renaming the Louisiana Public Defender Board Compensation Fund to the Office of the State Public Defender Compensation Fund.