

GREEN SHEET REDIGEST

HB 412

2025 Regular Session

Romero

**TOBACCO/TOBACCO PRODUCTS: Provides relative to alternative nicotine products.**

DIGEST

Present law provides that a wholesale dealer shall only sell tobacco products, alternative nicotine products, or vapor products to a retail dealer with a valid registration or permit.

Proposed law requires a wholesale dealer to verify that a retail dealer is operating with a valid registration or permit.

Present law prohibits a manufacturer from selling any products or electronic cigarettes online to any person under 21 years of age and requires a manufacturer, at the time of the online purchase, to obtain and verify the age of the recipient through the use of a real-time electronic age verification platform approved by the commissioner.

Present law requires the real-time electronic age verification platform to be capable of verifying proof of age through authoritative digitized identification card technology and storing the recipient's name, age, date of birth, the expiration date of the identification, and the date and time that the identification was verified.

Present law requires a manufacturer to refuse the online purchase of any products or electronic cigarettes if the recipient does not produce a valid and current form of identification or if there is reason to doubt the authenticity or correctness of the recipient's identification.

Present law requires a third-party delivery agent to obtain the recipient's signature and to verify the recipient's age through the use of a real-time electronic age verification device approved by the commissioner at the time of the delivery of online purchases of products or electronic cigarettes.

Present law requires the real-time electronic age verification device to be capable of verifying the recipient's age through authoritative digitized identification card technology, reading a valid state-issued driver's license or other valid identification card or passport, and storing the recipient's name, age, date of birth, the expiration date of the identification, and the date and time that the identification was scanned.

Present law requires a third-party delivery agent to refuse delivery and return the products or electronic cigarettes to the manufacturer if the recipient does not produce a valid and current form of identification, there is reason to doubt the authenticity or correctness of the recipient's identification, or the recipient refuses to sign for the receipt of the delivery.

Present law provides for a fine of \$500 per offense for a violation of present law.

Proposed law deletes present law and provides that no person shall cause any alternative tobacco product to be ordered or purchased through the mail or computer network or shipped to any person within the state other than to a retail dealer, wholesale dealer, or manufacturer with a valid permit.

Proposed law provides for civil penalties for the first offense of \$500 but no more than \$1,000; for the second offense, which occurs within two years of the first offense, not less than \$1,000 but not more than \$2,000 and a suspended permit; and for a third offense, which occurs within two years of the first offense, not less than \$2,000 but not more than \$4,000 and a revoked permit.

Proposed law provides, in addition to the civil fines, for criminal penalties of a fine of not more than \$1,000, imprisonment of not more than six months, or both.

Proposed law permits the commissioner to revoke or suspend the permit in addition to any fines imposed.

Present law provides that every vapor product manufacturer and alternative nicotine product manufacturer shall execute and deliver a certification detailing certain information to the commissioner of alcohol and tobacco prior to selling their products in the state.

Present law provides that every vapor product manufacturer and alternative nicotine product manufacturer whose products are sold in this state shall deliver a copy of the cover page of its premarket tobacco application indicating that it was submitted to the FDA on or before Sept. 9, 2020, along with evidence that the product was on the market in the U.S. as of Aug. 8, 2016.

Proposed law retains present law with regard to vapor product manufacturers.

Proposed law provides that every alternative nicotine product manufacturer whose products are sold in this state shall deliver a copy of the cover page of its premarket tobacco application indicating that it was submitted to the FDA on or before May 14, 2022, along with evidence that the product was on the market in the U.S. as of April 14, 2022.

Proposed law creates the crime of unlawful remote sales of alternative nicotine products and provides for a fine of not more than \$1,000, imprisonment for not more than six months, or both.

(Amends R.S. 26:911(E) and 926.1; adds R.S. 14:91.16)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Increase the permit fees for retail dealers, vending machine operators, vending machines, and wholesale dealers.
2. Require wholesale dealers to verify that a retail dealer has a valid registration or permit prior to the sale of tobacco products, alternative nicotine products, or vapor products.
3. Prohibit the ordering or purchasing of vapor products, electronic cigarettes, and nicotine products by mail, computer network, telephonic network, or other network to be shipped in the state other than to a retail dealer, wholesale dealer, or manufacturer with a valid permit.
4. Provide for civil penalties for unlawful remote sales of vapor products, electronic cigarettes, and nicotine products and create the crime of unlawful remote sales of alternative nicotine products.

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Make technical changes.
2. Limit scope of proposed law to apply only to alternative nicotine products.