

2026 Regular Session

HOUSE BILL NO. 782

BY REPRESENTATIVES BRASS, BACALA, BERAULT, BILLINGS, ROBBY CARTER, CARVER, CHASSION, CHENEVERT, DOMANGUE, EDMONSTON, FISHER, GALLE, GREEN, HEBERT, JACKSON, TRAVIS JOHNSON, KNOX, LAFLEUR, TERRY LANDRY, MACK, MARTINEZ, MURRAY, NEWELL, ORGERON, SPELL, STAGNI, WILEY, WYBLE, AND ZERINGUE

FEES/LICENSES/PERMITS: Provides relative to vapor products and alternative nicotine products

1 AN ACT

2 To amend and reenact R.S. 26: 901(introductory paragraph), (1)(introductory paragraph),

3 and (32)(introductory paragraph), 903(1) through (4), 911(B)(2), 916(B),

4 918(A)(introductory paragraph) and (1) and (3) and 926.1(J) and (K) and to enact

5 R.S. 26:901(36), 918(E), and 926, relative to vapor and alternative nicotine products;

6 to provide for the definitions of an alternative nicotine product, a vapor product, and

7 a nicotine analogue; to provide for an increase in permit fees; to require a wholesale

8 dealer to verify that a retail dealer has a valid permit; to provide for the suspension

9 or revocation of permits; to provide for the seizure and forfeiture of alternative

10 nicotine and vapor products; to provide for the prohibition of remote sales of

11 alternative nicotine products; to provide for penalties; to provide for submission of

12 marketing approval of alternative nicotine products to the commissioner of the

13 alcohol and tobacco commission; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 26:901(introductory paragraph), (1)(introductory paragraph), and

16 (32)(introductory paragraph), 903(1) through (4), 911(B)(2), 916(B), 918(A)(introductory

17 paragraph) and (1) and (3) and 926.1(J) and (K) are hereby amended and reenacted and R.S.

18 26:901(36), 918(E), and 926 are hereby enacted to read as follows:

1 §901. Definitions

2 As used in this Chapter, the following terms have the ~~meaning~~ meanings  
3 ascribed to them in this Section, unless the context clearly indicates otherwise:

4 (1) "Alternative nicotine product" means any noncombustible product  
5 containing nicotine or a nicotine analogue that is intended for human consumption,  
6 whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative  
7 nicotine product" does not include any of the following:

8 \* \* \*

9 (32) "Vapor product" means any noncombustible product containing  
10 nicotine, a nicotine analogue, or other substances that ~~employs~~ employ a heating  
11 element, power source, electronic circuit, or other electronic, chemical, or  
12 mechanical means, regardless of shape or size, that can be used to produce vapor  
13 from nicotine or other substances. "Vapor product" includes any electronic cigarette,  
14 electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and  
15 any vapor cartridge or other container of nicotine or nicotine analogue in a solution  
16 or other form that is intended to be used with or in an electronic cigarette, electronic  
17 cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor  
18 product" does not include any of the following:

19 \* \* \*

20 (36)(a) "Nicotine analogue" means a substance with either of the following  
21 characteristics:

22 (i) The chemical structure is substantially similar to the chemical structure  
23 of nicotine.

24 (ii) Has, purports to have, or is represented to have, an effect on the central  
25 nervous system that is similar to or greater than the effect of nicotine on the central  
26 nervous system.

27 (b) Factors relevant to determining whether a substance is a nicotine  
28 analogue include but are not limited to the marketing, advertising, and labeling of the  
29 substance, and whether the substance has been manufactured, formulated, sold,

1 distributed, or marketed with the intent to avoid the provisions of this Chapter and  
2 other applicable provisions of law.

3 \* \* \*

4 §903. Permit fees

5 The fees for each permit shall not exceed amounts provided for in the  
6 following schedule and in accordance with regulations promulgated pursuant to the  
7 provisions of the Administrative Procedure Act:

8 (1) Retail dealer permit – ~~\$ 25.00~~ \$100.00 per year or any portion thereof.

9 (2) Vending machine operator – ~~\$75.00~~ \$300.00 per year or any portion  
10 thereof.

11 (3) Vending machine – ~~\$5.00~~ \$20.00 per machine per year or any portion  
12 thereof.

13 (4) Wholesale dealer – ~~\$75.00~~ \$300.00 per year or any portion thereof.

14 \* \* \*

15 §911. Acts prohibited

16 \* \* \*

17 B.

18 \* \* \*

19 (2) No wholesale dealer shall sell tobacco products, alternative nicotine  
20 products, or vapor products for resale except to a retail dealer operating with either  
21 a valid registration certificate or a valid unsuspended permit. A wholesale dealer  
22 shall verify that a retail dealer is operating with either a valid registration certificate  
23 or a valid unsuspended permit prior to any sale of tobacco products, alternative  
24 nicotine products, or vapor products to a retail dealer.

25 \* \* \*

26 §916. Suspensions or revocations

27 \* \* \*

28 B. The commissioner ~~shall have~~ shall conduct periodic examinations ~~made~~  
29 of the businesses of all persons holding permits ~~under~~ in accordance with this

1 Chapter or of locations where tobacco products, vapor products, or alternative  
 2 nicotine products are reasonably believed to be sold without permits. If a violation  
 3 of ~~the this~~ Chapter or of any rule or regulation of the commissioner or the secretary  
 4 is observed, the commissioner may give the permittee person a written warning. If  
 5 the permittee person has been previously warned or if the violation is of a  
 6 sufficiently serious nature, the commissioner may instruct any agent or employee of  
 7 the commissioner to prepare and file, upon information and belief based upon the  
 8 facts ~~in hand~~ available, a petition for assessing a fine, or suspension or revocation of  
 9 the permit, setting forth the facts and circumstances of the violation, and shall  
 10 ~~thereupon~~ summon the permittee person to appear and show cause why the permit  
 11 should not be suspended or revoked or the fine not assessed.

\* \* \*

12 §918. Civil penalties

13 A. Notwithstanding any other provision of this Chapter to the contrary, the  
 14 commissioner may, in lieu of or in addition to revocation or suspension of a permit  
 15 issued ~~under~~ pursuant to the authority of this Chapter, impose the following schedule  
 16 of fines to be paid into the state treasury:  
 17

18 (1) For a first offense, not less than fifty dollars but not more than ~~five~~  
 19 hundred one thousand dollars.

\* \* \*

21 (3) For a third offense, which occurs within two years of the first offense, not  
 22 less than five hundred dollars but not more than ~~two thousand five hundred~~ four  
 23 thousand dollars.

\* \* \*

24 E. Notwithstanding any other provision of this Chapter to the contrary, for  
 25 a violation of R.S. 26:913, the commissioner may impose the following schedule of  
 26 fines to be paid into the state treasury:  
 27

28 (1) For a first offense, not less than five hundred dollars but not more than  
 29 one thousand dollars.





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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 782 Reengrossed

2026 Regular Session

Brass

**Abstract:** Provides relative to vapor products and alternative nicotine products and increases certain fees.

Present law provides for definitions related to alternative nicotine products and vapor products.

Proposed law adds "nicotine analogue" to the definitions of alternative nicotine products and vapor products.

Proposed law defines "nicotine analogue" as a substance with a chemical structure that is substantially similar to the chemical structure of nicotine or that has, purports to have, or is represented to have, an effect on the central nervous system that is similar to or greater than the effect of nicotine on the central nervous system.

Present law requires fees for the issuance of permits.

Proposed law increases the permit fees as follows:

- (1) Retail dealer permit – from \$ 25.00 to \$100.00 per year or any portion thereof.
- (2) Vending machine operator – from \$75.00 to \$300.00 per year or any portion thereof.
- (3) Vending machine – from \$5.00 to \$20.00 per machine per year or any portion thereof.
- (4) Wholesale dealer – from \$75.00 to \$300.00 per year or any portion thereof.

Present law provides that prohibited acts of a wholesaler include the sale of 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.

Proposed law provides that a wholesale dealer must verify that a retail dealer is operating with either a valid registration certificate or a valid unsuspended permit prior to any sale of tobacco products, alternative nicotine products, or vapor products to a retail dealer.

Present law permits the commissioner of the office of alcohol and tobacco (ATC) to request local law enforcement assistance in examinations of businesses that hold permits issued by ATC.

Proposed law retains present law and extends the authority of the commissioner to request assistance regarding permits issued for tobacco, vapor, and alternative nicotine products.

Present law permits the commissioner to revoke permits and impose civil penalties for violations related to the issuance of a permit by the office of ATC.

Proposed law retains present law and further provides for the following fines:

- (1) For a first offense, not less than \$500 but not more than \$1,000.
- (2) For a third offense, which occurs within two years of the first offense, not less than \$2,000 but not more than \$4,000.

Proposed law permits the seizure and destruction of alternative nicotine and vapor products that are purchased or offered for sale or sold for retail sale to a consumer in violation of present and proposed law. Further provides that the person violating the law must bear the cost incurred in the seizure and destruction of the products.

Present law authorizes the commissioner to impose civil penalties for violations of law related to the sale of products not listed in the vapor and alternative nicotine product directory.

Proposed law retains present law and further provides for the following fines:

- (a) For a first offense, \$1,000.
- (b) For a second offense, which occurs within two years of the first offense, \$2,000, and suspension of the person's permit for six months.
- (c) For a third offense, which occurs within two years of the first offense, \$4,500, and revocation of the person's permit.

Proposed law authorizes the attorney general or commissioner to bring enforcement actions regarding the permit or sale of vapor or alternative nicotine products.

Proposed law provides that a second or subsequent violation of proposed law requiring all vapor and alternative nicotine products to be listed in the vapor and alternative nicotine product directory is considered an unfair and deceptive trade practice.

Proposed law permits the ATC or a local law enforcement agency to retain the funds collected from fines imposed.

(Amends R.S. 26:901(intro. para.), (1)(intro. para.), and (32)(intro. para.), 903(1)-(4), 911(B)(2), 916(B), 918(A)(intro. para.) and (1) and (3) and 926.1(J) and (K); Adds R.S. 26:901(36), 918(E), and 926)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Provide penalties for violations of regulations in present and proposed law.
2. Make technical corrections.

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.