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## DIGEST

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### CONFERENCE COMMITTEE REPORT DIGEST

**HB 782**

**2026 Regular Session**

**Brass**

#### Keyword and oneliner of the instrument as it left the House

FEES/LICENSES/PERMITS: Provides relative to vapor products, alternative nicotine products, and modified risk tobacco products

#### Report adopts Senate amendments to:

1. Prohibit the sale of alternative vaping products from applying to lawful activities authorized and regulated by the La. Dept. of Health (LDH).
2. Prohibit selling, giving, serving, delivering, or furnishing to a person in the state of La. a product that contains a nicotine analogue.
3. Reduce any tax imposed by 85% for any product determined to be a modified risk tobacco product pursuant to federal law.

#### Report rejects Senate amendments which would have:

1. Provided a discount of 10% for out-of-state wholesale tobacco dealers eligible to purchase La. stamps for modified risk tobacco products.

#### Report amends the bill to:

1. Provide for a three-tier system for the issuance of permits for the sale of vapor products in the state of La.
2. Provide that a La.-permitted manufacturer of vapor products cannot:
  - (a) Hold a retail dealer permit to sell vapor products to La. consumers.
  - (b) Hold a wholesale dealer permit to sell vapor products to La. consumers.

- (c) Possess any direct or indirect financial interest in a permitted wholesaler or retailer in the state of La.
  - (d) Sell vapor products to a La.-permitted retail dealer for resale to La. consumers.
  - (e) Directly sell vapor products.
  - (f) Directly ship vapor products to a consumer by an in-state or out-of state seller.
3. Provide that a La.-permitted wholesaler of vapor products cannot hold a retail dealer permit to sell vapor products to La. consumers.
  4. Allow a La.-permitted wholesaler to sell or distribute vapor products to a La.- permitted retailer that is an affiliated entity of the wholesaler.
  5. Define "affiliated entity".
  6. Provide that a La.-permitted retailer of vapor products cannot:
    - (a) Hold a wholesaler permit to sell vapor products to other La.-permitted retail dealers.
    - (b) Purchase vapor products from any person other than a wholesaler with a valid permit issued in the state of La.
  7. Exclude lawful marijuana or marijuana products authorized by the LDH.
  8. Increase the discount for out-of-state wholesale tobacco dealers eligible to purchase La. stamps from 5% to 6.5%.

### **Digest of the bill as proposed by the Conference Committee**

Present law (R.S. 26:902) provides for the issuance of retail dealer and wholesale dealer permits for the sale of vapor products in the state of La.

Proposed law retains present law and provides for a three-tier system for the issuance of permits for the sale of vapor products in the state of La.

Proposed law provides that a La.-permitted manufacturer of vapor products cannot:

- (1) Hold a retail dealer permit to sell vapor products to La. consumers.
- (2) Hold a wholesale dealer permit to sell vapor products to La. consumers.
- (3) Possess any direct or indirect financial interest in a permitted wholesaler or retailer in the

state of La.

- (4) Sell vapor products to a La.-permitted retail dealer for resale to La. consumers.
- (5) Directly sell vapor products.

Proposed law provides that a La.-permitted wholesaler of vapor products cannot hold a retail dealer permit to sell vapor products to La. consumers.

Proposed law provides that a La.-permitted retailer of vapor products cannot:

- (1) Hold a wholesaler permit to sell vapor products to other La.-permitted retail dealers.
- (2) Purchase vapor products from any person other than a wholesaler with a valid permit issued in the state of La.

Proposed law prohibits the direct shipment of vapor products to a consumer by a La.-permitted manufacturer or in-state or out-of state seller.

Proposed law allows a La.-permitted wholesaler to sell or distribute vapor products to a La.-permitted retailer that is an affiliated entity of the wholesaler. Further defines "affiliated entity".

Proposed law excludes lawful marijuana or marijuana products authorized by the LDH from the requirements of proposed law.

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 provides that proposed law does not apply to lawful activities authorized pursuant to present law and regulated by LDH.

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.

Proposed law prohibits selling, giving, serving, delivering, or furnishing to a person in the state of La. a product that contains a nicotine analogue.

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:

- (1) For a first offense, \$1,000.
- (2) 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.

- (3) For a third offense, which occurs within two years of the first offense, \$4,500, and revocation of the person's permit.

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

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.

Present law levies a tax upon the sale, use, consumption, handling, or distribution of all cigars, cigarettes, smoking and smokeless tobacco, and vapor products and electronic cigarettes within the state of La. according to the classification and rates set forth in present law.

Proposed law reduces any tax imposed under present law by 65% for any product determined to be a modified risk tobacco product pursuant to federal law.

Present law allows eligible out-of-state wholesale tobacco dealers to purchase La. stamps at a 5% discount.

Proposed law increases the discount to 6.5%, but otherwise retains present law.

(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), and R.S. 47:843(C)(3); Adds R.S. 26:901(36), 901.1(D), 911(F), 914.1, 918(E), and 926, and R.S. 47:841(B)(8))