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The original instrument was prepared by Christopher D. Adams. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

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## DIGEST

Gallot (SB 12)

Present law prohibits the distribution of sample tobacco products to persons under the age of 18 years.

Proposed law retains present law and adds alternative nicotine products to the present law prohibition.

Proposed law defines "alternative nicotine product" as any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means, but does not include any:

1. Tobacco product
2. Vapor product
3. Product that is a drug pursuant to federal law (21 U.S.C. 321(g)(1))
4. Device pursuant to federal law (21 U.S.C. 321(h))
5. Combination product described in federal law (21 U.S.C. 353(g))

Proposed law defines "vapor product" as any non-combustible product containing nicotine or other substances that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Proposed law further provides that "vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

Proposed law provides that "vapor product" does not include any:

- (1) Product that is a drug pursuant to federal law (21 U.S.C. 321(g)(1))
- (2) Device pursuant to federal law (21 U.S.C. 321(h))
- (3) Combination product described in federal law (21 U.S.C. 353(g))

Present law prohibits the sale of tobacco to or the purchase or possession of tobacco by any person under the age of 18 years.

Proposed law retains present law and adds alternative nicotine products and vapor products to the present law prohibition.

Present law provides that, in order to prevent persons under 18 years of age from purchasing or receiving tobacco products from vending machines, the sale or delivery of tobacco products through a vending machine is prohibited unless either:

- (1) The machine is located in an establishment to which persons under the age of 18 are denied access.
- (2) The machine is located in facilities where the dealer ensures that no person younger than 18 years of age is present or permitted to enter at any time, and the machine is located within the unobstructed line of sight of a dealer or a dealer's agent or employee who is responsible for preventing persons younger than 18 years of age from purchasing tobacco products through that machine.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law provides that, in order to prevent persons under 18 years of age from purchasing or receiving tobacco products from self-service displays, the sale or delivery of tobacco products through a self-service display is prohibited unless the machine is a vending machine that complies with the terms and provisions of present law.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law provides relative to retail dealer permits and the renewal of retail dealer permits for the sale of cigars, cigarettes, and other tobacco products that are offered for sale either over the counter or by vending machine.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law provides relative to the sale of tobacco products through vending machines and self-service displays.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law defines "retail tobacco business" as a bona fide retail dealer engaged in the sale of tobacco products and accessories for retail sale where fifty percent or more of the total sales for

the preceding 12 months, excluding fuel sales, were tobacco products, including cigarettes.

Proposed law retains present law and adds alternative nicotine products and vapor products to the definition of retail tobacco business.

Present law defines "tobacconist at a particular outlet" as a bona fide retail dealer engaged in receiving bulk smoking tobacco for the purpose of blending such tobacco for retail sale at a particular retail outlet where fifty percent or more of the total purchases for the preceding 12 months were purchases of tobacco products, excluding cigarettes.

Proposed law retains present law and also excludes alternative nicotine products and vapor products from the definition of "tobacconist at a particular outlet".

Present law prohibits any person, agent, associate, employee, representative, or servant of any person from selling or serving tobacco products over-the-counter in a retail establishment to any person under the age of 18 years unless such person submits a driver's license, selective service card, or other lawful identification that on its face establishes the age of the person as 18 years or older and there is no reason to doubt the authenticity or correctness of the identification. Present law further prohibits such persons from violating present law relative to the unlawful distribution of tobacco products to minors.

Proposed law retains present law and adds alternative nicotine products and vapor products to the coverage of present law.

Present law provides that the sale of tobacco products to a minor by a retail dealer's agent, associate, employee, representative, or servant is considered an act of the retail dealer except under certain circumstances.

Proposed law retains present law and adds the sale of alternative nicotine products and vapor products to the coverage of present law.

Present law provides that "server" means any employee of a vendor, other than security personnel, who is authorized to sell or serve alcoholic beverages or tobacco products in the normal course of his or her employment or deals with customers who purchase or consume alcoholic beverages or tobacco products.

Proposed law retains present law and adds alternative nicotine products and vapor products to the definition of "server".

Present law provides relative to dealers receiving unstamped and/or nontax paid cigarettes, cigars, and smoking tobaccos required to file monthly reports and maintain records. Present law further provides that vending machine operators must affix a sticker in a prominent place on each machine, in print not smaller than twenty-two point, stating that "Louisiana Law Prohibits the Purchase of Tobacco Products by Anyone Under Age 17".

Proposed law adds alternative nicotine products and vapor products to the coverage of present law and changes the age to be stated in the sticker from 17 years to 18 years.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:91.6(A) and 91.8, R.S. 26:901, 902(1), 905(B), 909(A)(2), 910, 910.1, 911(A)(intro para), (A)(1) and (2), 917(A)(intro para) and (C), and 932(6), and R.S. 47:851(C)(2); adds R.S. 14:91.6(B)(6) and (7))

### Summary of Amendments Adopted by Senate

#### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Adds vaporizers to the alternative nicotine products covered by proposed law.

#### Senate Floor Amendments to engrossed bill

1. Changes definition of "alternative nicotine product" and adds definition of "vapor product."
2. Adds vapor products to list of items covered by proposed law.