

ACT No. 335

2015 Regular Session

HOUSE BILL NO. 467

BY REPRESENTATIVE HARRIS

1 AN ACT

2 To enact R.S. 26:909.1, relative to sales of tobacco products; to provide relative to the
3 payment and purchase of tobacco products for wholesale and retail dealers; to require
4 specific consideration for tobacco products; to provide for notification requirements
5 relative to a retailer's failure to timely make payments for receipt of products; to
6 require the commissioner to promulgate rules and regulations; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 26:909.1 is hereby enacted to read as follows:

10 §909.1. Cash or short-term sales only; notification; penalty for violation

11 A. No manufacturer or wholesale dealer shall sell, offer to sell, or deliver
12 any tobacco products to any retail dealer in this state, and no retail dealer in tobacco
13 products shall buy or accept delivery for any such product for any consideration
14 other than cash or on terms. If payment is not received when due or payment is
15 returned for insufficient funds, the vendor shall within five business days, notify the
16 commissioner thereof and the commissioner shall promptly notify all manufacturers
17 and wholesale dealers in the state of the default in payment and thereafter no person
18 shall sell any tobacco products to the retailer in default on any other terms than cash
19 delivery, until otherwise authorized by the commissioner. Under penalty of
20 suspension of the permit, the retailer who is in default shall pay his obligation in full
21 within thirty days from the date it became due.

22 B. Whoever violates the provisions of this Section may have his permit
23 suspended for not more than five days for the first offense and not more than thirty

1 days for any subsequent offense. Each failure of a retail dealer to make payment for
 2 any default before the expiration of the period of suspension constitutes a subsequent
 3 offense. In addition, the retail dealer may be required to make payment in cash for
 4 all tobacco products subsequently sold or delivered to him.

5 C. The commissioner shall promulgate rules and regulations for the
 6 enforcement of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____