

2016 Regular Session

SENATE BILL NO. 205

BY SENATOR CARTER

COMMERCIAL REGULATIONS. Provides relative to required sales of tobacco wholesale dealers. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 26:901(34), relative to the office of alcohol and tobacco control;  
3 to provide for the definition of tobacco wholesale dealers; to provide for required  
4 sales of tobacco wholesale dealers; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 26:901(34) is hereby amended and reenacted to read as follows:

7 § 901. Definitions

8 As used in this Chapter, the following terms have the meaning ascribed to  
9 them in this Section, unless the context clearly indicates otherwise:

10 \* \* \*

11 (34) "Wholesale dealer" means a dealer whose principal business is that of  
12 a wholesaler, who sells cigarettes, cigars, or other tobacco products to retail dealers  
13 for purpose of resale, who is a bona fide wholesaler, and fifty percent of whose total  
14 tobacco sales are to retail stores other than its own or **those of** its subsidiaries **or**  
15 **parent companies** within Louisiana. Wholesale dealer shall include any person in  
16 the state who acquires cigarettes solely for the purpose of resale in vending  
17 machines, provided such person services fifty or more cigarette vending machines

1 in Louisiana other than his own, and a Louisiana dealer who was affixing cigarette  
2 and tobacco stamps as of January 1, 1974. If any person is engaged in the business  
3 of making sales at both wholesale and retail, "wholesaler" shall apply only to the  
4 wholesale portion of the business.

5 Section 2. This Act shall become effective upon signature by the governor or, if not  
6 signed by the governor, upon expiration of the time for bills to become law without signature  
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
9 effective on the day following such approval.

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The original instrument was prepared by Heyward Jeffers. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ashley Menou.

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DIGEST

SB 205 Engrossed

2016 Regular Session

Carter

Present law defines "wholesale dealer" as a dealer whose principal business is that of wholesaler to retail dealers for the purpose of resale, is a bona fide wholesaler, and requires 50% of total tobacco sales are to retail stores, other than its subsidiaries.

Proposed law changes the definition of "wholesale dealer" as a dealer whose principal business is that of wholesaler to retail dealers for the purpose of resale, is a bona fide wholesaler, and requires 50% of total tobacco sales are to retail stores, other than its subsidiaries or parent companies.

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

(Amends R.S. 26:901(34))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Technical amendments to citations and title.
2. Removed from proposed law the exclusion of sales to affiliates in determining the 50% threshold.