

Prior law prohibited the distribution of sample tobacco products to persons under the age of 18 years. New law retains prior law and adds alternative nicotine products to the prior law prohibition.

New 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 of the following:

- (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))

New 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. New 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.

New law provides that "vapor product" does not include any of the following:

- (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))

Prior law prohibited the sale of tobacco to or the purchase or possession of tobacco by any person under the age of 18 years. New law retains prior law and adds alternative nicotine products and vapor products to the prior law prohibition.

Prior law provided 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 of the following applies:

- (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.

New law retains prior law and adds alternative nicotine products and vapor products to the coverage of prior law.

Prior law provided 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 prior law.

New law retains prior law and adds alternative nicotine products and vapor products to the coverage of prior law.

Prior law provided 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. New law retains prior law and adds alternative nicotine products and vapor products to the coverage of prior law.

Prior law provided relative to the sale of tobacco products through vending machines and self-service displays. New law retains prior law and adds alternative nicotine products and vapor products to the coverage of prior law.

Prior law defined "retail tobacco business" as a bona fide retail dealer engaged in the sale of tobacco products and accessories for retail sale where 50% or more of the total sales for the preceding 12 months, excluding fuel sales, were tobacco products, including cigarettes. New law retains prior law and adds alternative nicotine products and vapor products to the definition of retail tobacco business.

Prior law defined "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 50% or more of the total purchases for the preceding 12 months were purchases of tobacco products, excluding cigarettes. New law retains prior law and also excludes alternative nicotine products and vapor products from the definition of "tobacconist at a particular outlet".

Prior law prohibited 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. Prior law further prohibited such persons from violating prior law relative to the unlawful distribution of tobacco products to minors. New law retains prior law and adds alternative nicotine products and vapor products to the coverage of prior law.

Prior law provided 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. New law retains prior law and adds the sale of alternative nicotine products and vapor products to the coverage of prior law.

Prior law provided 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. New law retains prior law and adds alternative nicotine products and vapor products to the definition of "server".

Prior law provided relative to dealers receiving unstamped and/or nontax paid cigarettes, cigars, and smoking tobaccos required to file monthly reports and maintain records. Prior law further provided that vending machine operators must affix a sticker in a prominent place on each machine, in print not smaller than 22-two point, stating that "Louisiana Law Prohibits the Purchase of Tobacco Products by Anyone Under Age 17". New law adds alternative nicotine products and vapor products to the coverage of prior law and changes the age to be stated in the sticker from 17 years to 18 years.

New law otherwise retains prior law.

Effective upon signature of the governor (May 28, 2014).

(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))