HLS 10RS-1287 ORIGINAL

AN ACT

Regular Session, 2010

HOUSE BILL NO. 416

1

BY REPRESENTATIVE SAM JONES

SALES/TOBACCO TRADE: Provides with respect to tobacco products

2	To amend and reenact R.S. 26:903, 911(B)(3), 932(8), and 939(B), to enact R.S. 26:901(18)
3	and to repeal R.S. 26:909(E), relative to tobacco products; to provide for fees
4	applicable to wholesale tobacco dealers and wholesale tobacconists; to provide for
5	definitions; to provide for requirements of eligibility; to provide for prohibitions; and
6	to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 26:903, 911(B)(3), 932(8), and 939(B) are hereby amended and
9	reenacted and R.S. 26:901(18) is hereby enacted to read as follows:
10	§901. Definitions
11	* * *
12	(18) "Wholesale tobacconist" means any bona fide tobacconist engaged in
13	receiving bulk smoking tobacco for the purpose of blending such tobacco for retail
14	sale at a particular retail outlet where fifty percent or more of the total purchases for
15	the preceding twelve months were purchases of tobacco products, excluding
16	<u>cigarettes.</u>
17	* * *
18	§903. Permit fees
19	The fees for each registration certification or permit shall be as follows:
20	(1) Retail dealer registration certificate \$25.00 per year or any portion
21	thereof.
22	(2) (1) Retail dealer permit \$75.00 per year or any portion thereof.
23	(3) (2) Vending machine operator \$75.00 per year or any portion thereof.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(4) (3) Vending machine \$5.00 per machine per year or any portion
2	thereof.
3	(5) (4) Wholesale dealer $$75.00$ $$1,000$ per year or any portion thereof.
4	(5) Wholesale tobacconist–\$150.00 per year or any portion thereof.
5	* * *
6	§911. Acts prohibited
7	* * *
8	В.
9	* * *
10	(3)(a) Notwithstanding Paragraphs (B)(1) and (2), any tobacconist at a
11	particular retail outlet as defined in Subparagraph (B)(3)(b) may purchase tobacco
12	products for such retail outlet from any manufacturer, wholesale dealer, if such
13	dealer has a valid, unsuspended certificate or permit, or other supplier. or other
14	supplier, if such dealer has a valid wholesale tobacconist permit. Nothing in this
15	Paragraph shall allow the holder of a wholesale tobacconist permit to purchase
16	tobacco products, other than bulk smoking tobacco, from any dealer other than a
17	properly permitted wholesale dealer.
18	(b) "Tobacconist at a particular outlet" for purposes of this Paragraph means
19	a retail dealer engaged in receiving bulk smoking tobacco for the purpose of
20	blending such tobacco for retail sale at a particular retail outlet where fifty percent
21	or more of the total purchases for the preceding twelve months were purchases of
22	tobacco products, excluding cigarettes. No dealer who holds a wholesale tobacconist
23	permit shall act as a wholesale dealer for purposes of resale and shall only sell
24	tobacco products to consumers at retail.
25	* * *
26	§932. Definitions
27	* * *
28	(8) "Wholesale Tobacconist" means a retail dealer bona fide tobacconist
29	engaged in receiving bulk smoking tobacco for the purpose of blending such tobacco

1 for retail sale at a particular retail outlet where fifty percent or more of the total 2 purchases for the preceding twelve months were purchases of tobacco products, 3 excluding cigarettes. 4 5 §939. Applicability 6 7 B. The provisions of this Chapter shall not apply to any tobacco wholesale 8 dealer or wholesale tobacconist. 9 Section 2. R.S. 26:909(E) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Sam Jones HB No. 416

Abstract: Provides for amendments to provisions regarding tobacconists and wholesale tobacco dealers.

Present law defines "tobacconist" and "tobacconist at a particular retail outlet".

<u>Proposed law</u> repeals the definition of "tobacconist at a particular retail outlet" and provides for a definition of "wholesale tobacconist".

<u>Present law</u> (R.S. 26:903) provides for a retail dealer registration certificate fee of \$25 per year.

Proposed law eliminates the retail dealer registration certificate fee contained in present law.

<u>Present law</u> provides that the permit fee for a wholesale tobacco dealer is \$75 per year or any portion of a year.

Proposed law changes the fee from \$75 to \$1,000.

Proposed law adds a fee of \$150 per year for a wholesale tobacconist permit.

<u>Proposed law</u> prohibits holders of wholesale tobacconist permits from purchasing tobacco products, except bulk smoking tobacco, from any dealer other than a properly permitted wholesale dealer.

<u>Proposed law</u> prohibits wholesale dealers from acting as wholesalers for resale purposes.

(Amends R.S. 26:903, 911(B)(3), 932(8), and 939(B); Adds R.S. 26:901(18); Repeals R.S. 26:909(E))