

STATE OF LOUISIANA
CITY OF WEST MONROE

ORDINANCE NO. _____

MOTION BY: _____

SECONDED BY: _____

ORDINANCE TO AMEND SEC. 11-5030 OF THE CODE OF ORDINANCES, CITY OF WEST MONROE, LOUISIANA, RELATING TO THE UNLAWFUL SALE, PURCHASE, OR POSSESSION OF TOBACCO, TO NOW INCLUDE ALTERNATE NICOTINE PRODUCTS (VAPING) AND TO ALSO INCREASE THE AGE OF RESTRICTION TO AGE 21, AS PROVIDED BY STATE LAW; TO PROVIDE THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE; TO ESTABLISH AN EFFECTIVE DATE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

SECTION 1. BE IT ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that Sec. 11-5030 of the Code of Ordinances, City of West Monroe, Louisiana, is hereby amended to now provide as follows:

“Sec.11-5030. Unlawful sale, purchase, or possession of tobacco, alternative nicotine products, or vapor products; signs required; penalties

- (a) It is unlawful for any manufacturer, distributor, retailer, or other person to sell or distribute any tobacco product, alternative nicotine product, or vapor product to a person under the age of twenty-one. However, it shall not be unlawful for a person under the age of twenty-one to accept receipt of a tobacco product, alternative nicotine product, or vapor product from an employer when required in the performance of such person's duties. At the point of sale, a sign, in not less than thirty-point type, shall be displayed in a manner conspicuous to both employees and consumers, within any location where tobacco products, alternative nicotine products, vapor products, or vapor paraphernalia and devices are available for purchase, that reads “LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS, OR VAPOR PARAPHERNALIA AND DEVICES TO PERSONS UNDER AGE 21”. The sign shall also include a notice that displays the telephone number for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as determined by the Louisiana Department of Health.
- (b) It is unlawful for a vending machine operator to place in use a vending machine to vend any tobacco product, alternative nicotine product, or vapor product automatically, unless the machine displays a sign or sticker in not less than twenty-two-point type on the front of the machine stating, “LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE 21”. The sign shall also include a notice that displays the telephone number for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as determined by the Louisiana Department of Health.
- (c) It is unlawful for any person under the age of twenty-one to be sold any tobacco product, alternative nicotine product, or vapor product.
- (d) (1) It is unlawful for any person under the age of twenty-one to possess any tobacco product, alternative nicotine product, or vapor product.

(2) However, it shall not be unlawful for a person under the age of twenty-one to possess a tobacco product, alternative nicotine product, or vapor product under any of the following circumstances:

- a. When a person under eighteen years of age is accompanied by a parent, spouse, or legal guardian twenty-one years of age or older.
- b. In private residences.
- c. When the tobacco product, alternative nicotine product, or vapor product is handled during the course and scope of his employment and required in the performance of such person's duties.

(e) For purposes of this Section, the following definitions apply:

(1) “Alternative nicotine product” means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. “Alternative nicotine product” does not include any:

- a. Tobacco product.
- b. Vapor product.
- c. Product that is a drug pursuant to 21 U.S.C. 321(g)(1).
- d. Device pursuant to 21 U.S.C. 321(h).
- e. Combination product described in 21 U.S.C. 353(g).

(2) “Cigar” means any roll of tobacco for smoking, irrespective of size or shape, and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredients, where such roll has a wrapper made chiefly of tobacco.

(3) “Cigarette” means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper, or any other material, except where such wrapper is wholly or in greater part made of tobacco.

(4) “Smokeless tobacco” means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity.

(5) “Smoking tobacco” means granulated, plug cut, crimp cut, ready rubbed, and any other kind and form of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(6) “Tobacco product” means any cigar, cigarette, smokeless tobacco, or smoking tobacco.

(7) “Vapor product” means 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. “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. “Vapor product” does not include any of the following:

- a. Product that is a drug pursuant to [21 U.S.C. 321\(g\)\(1\)](#).
- b. Device pursuant to [21 U.S.C. 321\(h\)](#).

c. Combination product described in [21 U.S.C. 353\(g\)](#).

- (f) (1) A person who violates the provisions of this Section by selling or buying tobacco products, alternative nicotine products, or vapor products shall be fined not more than fifty dollars for the first violation. The penalties for subsequent violations shall be a fine of not more than one hundred dollars for the second violation, a fine of not more than two hundred fifty dollars for the third violation, and a fine of not more than four hundred dollars for any violation thereafter.

(2) A person who violates the provisions of this Section by possessing tobacco products, alternative nicotine products, or vapor products shall be fined not more than fifty dollars for each violation.
- (g) A violation by the owner of the establishment where the violation occurred. A violation of the signage requirement of Subsection (b) of this Section shall be deemed to be a violation by the owner of the vending machine. For the first such violation, the owner shall be fined not more than fifty dollars. The penalties for subsequent violations shall be a fine of not more than one hundred dollars for the second violation, a fine of not more than two hundred fifty dollars for the third violation, and a fine of not more than five hundred dollars for any violation thereafter.
- (h) The law enforcement agency issuing the citation or making the arrest or the clerk of the court in which a prosecution is initiated, as the case may be, shall notify the commissioner of the office of alcohol and tobacco control of the action and the final disposition of the matter.”

SECTION 2. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that if any provisions, sections or subsections of this ordinance are held invalid for any cause or reason, such invalidity shall not affect the other provisions, sections, or subsections of this ordinance which can give effect without the invalid provisions, sections, or subsections, and to this end each of the provisions, sections, and subsections of this ordinance are hereby declared severable;

SECTION 3. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that this amendment shall be effective October 16, 2024.

The above Ordinance was read and considered by Sections at a public meeting of the Mayor and Board of Aldermen, in regular and legal session convened, voted on by yea or nay vote, passed and adopted the 15th day of October, 2024, the final vote being as follows:

YEA: _____

NAY: _____

NOT VOTING: _____

ABSENT: _____

ATTEST:

APPROVED THIS 15TH DAY OF
OCTOBER, 2024

CINDY EMORY, CITY CLERK
CITY OF WEST MONROE
STATE OF LOUISIANA

STACI ALBRITTON MITCHELL, MAYOR
CITY OF WEST MONROE
STATE OF LOUISIANA