

# State of Louisiana

Office of Alcohol and Tobacco Control

JOHN BEL EDWARDS  
GOVERNOR



ERNEST P. LEGIER, JR.  
COMMISSIONER

October 5, 2023

## **VAPE PRODUCT CERTIFICATION AVAILABLE AS OF OCTOBER 1, 2023**

### **ATC Advisory:**

#### **Vapor and Alternative Nicotine Products Certification & Directory**

Beginning October 1, 2023, Manufacturers of vapor and alternative nicotine products shall be required to certify on a form prescribed by the commissioner that each vapor or alternative nicotine product meets the requirements provided by statute, R.S. 26:926A. Upon submission of the certification form, ATC will process all request and compile the vapor and alternative nicotine product and electronic cigarettes directory (hereinafter “VAPE Directory”). The Directory will list all certified manufacturers and approved VAPE products.

Beginning November 1, 2023, the VAPE Directory will be posted on ATC’s website at <https://atc.louisiana.gov/resources/v-a-p-e-directory-information/>. An updated list will be published monthly on the 1<sup>st</sup> of each month thereafter. The directory may be subject to change periodically.

It is the responsibility of the tobacco wholesaler and retailer to review the VAPE Directory and maintain compliance. Upon publication, all permit holders are required to end the sale or offering for sale of any products not listed on the Directory. On the 5<sup>th</sup> of each month, all products not listed on the VAPE directory are illegal and should be removed from the licensed premises. ATC will conduct compliance checks at permitted location after the 5<sup>th</sup> of each month.

#### **What is the process of certifying vapor and alternative nicotine products?**

To certify a product, manufacturers must complete the certification either in paper form or via online. A copy of the paper application is available online at <https://atc.louisiana.gov/resources/v-a-p-e-directory-information/>. To submit an online certification, applicants will be required to register an account at <https://laatcab.cabc.la.gov/laatcpod/pub/Login.aspx>. For each product by SKU number, a certification form is required to be submitted with supporting documents along with \$100 fee. To remain active on the VAPE Directory, manufacturers will be required to recertify each product annually before October 31<sup>st</sup>. The renewal period will open 60 days prior to expiration. Upon review of certifications submitted to ATC, if the products meets one of the following, the product will be listed on the directory. All other products will be rejected.

1. The product was on the U.S. Market as of August 8, 2016, and a premarket tobacco application (“PMTA”) has been submitted pursuant to federal law and the PMTA remains under review by the FDA; or
2. The FDA has issued a no marketing order regarding the product that is under appeal and a Stay Order or injunction has been granted or an appeal has been filed, but remains pending; or
3. A marketing order has been granted in accordance with federal law; or

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4. Applicant can provide sufficient proof of an exemption has been granted and provides sufficient evidence that the product significantly complies with federal requirement.

## **Questions and Complaint Submissions**

ATC remains committed to supporting businesses in the tobacco, vape, and alternative nicotine product industry while ensuring that such businesses have the requisite knowledge of and adhere to all applicable laws, rules and regulations. All concerned parties should consult the language of ACT 414 which was signed into law on June 15, 2023, current Louisiana laws, and guidance issued by the Food and Drug Administration for in-depth research and additional guidance. Businesses and individuals who have questions concerning the law may contact the agency for guidance by emailing [ATC-Attorneys@atc.la.gov](mailto:ATC-Attorneys@atc.la.gov). Complaints pertaining to alleged violations may be submitted to the ATC online by visiting <https://laatcab.atc.la.gov/laatprod/pub/Login.aspx>.