

PART B

VENDING MACHINE PERMIT APPLICATION (ADDENDUM: VENDING MACHINE OPERATOR APPLICATION)



Commissioner Chad Brown

Must be completed in conjunction with PART A: Vending Machine Operator Application. A Vending Machine Permit (per machine/permit year) is issued per machine and must be affixed to the front surface upon issuance. Duplicate this page as needed for each separate vending machine. [La. R.S. 26:902(4); 26:910]

Operator Legal Name and DBA	VM Operator Permit No.
Total Vending Machine(s) by Operator: _____	PAGE _____ of _____

B1. VENDING MACHINE

Machine Make/Model/Year	Does Vending machine include self-identification feature? If yes, describe.		
List all Products Vended or Intended to be Vended: (Select all applicable) <input type="radio"/> Cigarettes <input type="radio"/> Cigars <input type="radio"/> Smokeless Tobacco <input type="radio"/> Vapor Products <input type="radio"/> Alternative Nicotine Products <input type="radio"/> Other: (Describe) _____	Payment Type: (Select all applicable) <input type="radio"/> Cash or Coin <input type="radio"/> Credit Card <input type="radio"/> Other: (Describe) _____		
Establishment Retail Business Name and DBA	Date of Vending Machine Placement:		
Placement of Vending Machine Address			
City	State	Parish	Zip
Establishment Retail Contact Name, Title, Phone number		Establishment Tobacco Retail Dealer Permit #:	

Answer on behalf of the applicant entity AND all owners, officers, directors, partners, and members. If No on any question, provide Explanation.

B2. VENDING MACHINE PLACEMENT AND COMPLIANCE [R.S. 26:910]

Is Vending Machine Placement in a licensed retail establishment located more than 300 feet from a school?	<input type="radio"/> Yes <input type="radio"/> No
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B2. VENDING MACHINE PLACEMENT AND COMPLIANCE [R.S. 26:910]

Is Applicant authorized by a licensed tobacco retailer to place a vending machine in a licensed premises?	<input type="radio"/> Yes <input type="radio"/> No
Does the retail dealer establishment deny or prevent access into facility to <u>ALL persons under the age of 21?</u> [Joint Affidavit submission required] [R.S. 26:910]	<input type="radio"/> Yes <input type="radio"/> No
Is placement of the vending machine in an unobstructed line of sight of the establishment retail dealer, its employee or agent? [R.S. 26:910] - Provide a diagram indicating placement of the vending machine inside business.	<input type="radio"/> Yes <input type="radio"/> No
Is the vending machine transparent such that all products are viewable by the public prior to dispensing? Provide vending machine specs & photo of vending machine.	<input type="radio"/> Yes <input type="radio"/> No
Does Applicant understand a separate Vending Machine Permit (decal) is required for each vending machine? [R.S. 26:902(4)].	<input type="radio"/> Yes <input type="radio"/> No
Does Applicant understand that if approved, the Vending Machine Permit (decal) is required to be affixed to the upper front surface of the vending machine? [R.S. 26:902(4)]	<input type="radio"/> Yes <input type="radio"/> No
Does Applicant understand products offered for sale via the vending machine may be subject to restrictions or must be explicitly approved? For a list of approved vapor products, see ATC Vape Directory. For list of approved cigarette manufacturers and brands, see Attorney General Approved Tobacco Product Directory.	<input type="radio"/> Yes <input type="radio"/> No
Does Applicant understand that no permittee shall purchase tobacco, vape, and alternative nicotine products for resale except from a wholesale dealer operating with a valid unsuspending La. wholesale dealer permit?	<input type="radio"/> Yes <input type="radio"/> No

B3. SWORN CERTIFICATION

Operator Certification: I certify that the information for each machine listed above is true and correct, that each machine will be placed and operated in compliance with La. R.S. 26:901 et seq. and 14:91.8, and that all required signage and permits will be affixed before activation.

Print Operator's Name

Title

Signature of Operator

Date

B4. NOTARY ACKNOWLEDGEMENT

Sworn to and subscribed before me this _____ day of _____, 20_____, in the parish of _____, State of _____.

Notary Public Signature

Print Name of Notary Public

OFFICE USE ONLY

Date Received:	Processed By:
Date Completed	Completed By:
Sticker No:	

STATE OF LOUISIANA

PARISH OF _____

JOINT AFFIDAVIT OF RESPONSIBILITY AND LIABILITY

Between Vending Machine Operator and Establishment Owner

For Placement and Operation of a Tobacco / Alternative Nicotine / Vapor Product Vending Machine

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the State and Parish above, personally came and appeared:

THE VENDING MACHINE OPERATOR: _____,
a [natural person / corporation / LLC / partnership] domiciled at _____,
who owns or controls the use of one or more vending machines to supply cigarettes or any other tobacco products in the vending machine (hereinafter, the “Operator”);

AND

THE ESTABLISHMENT OWNER: _____, a [natural person / corporation / LLC / partnership] domiciled at _____, who owns, leases, or otherwise controls the premises located at _____ (the “Establishment”), at which the Operator’s vending machine(s) will be placed (hereinafter, the “Owner”);

who, after being duly sworn, did depose and state the following:

I. RECITALS AND GOVERNING LAW

1. This affidavit is executed in connection with the placement and operation of one or more vending machines that dispense cigarettes or tobacco products, alternative nicotine products, and/or vapor products (together, the “Covered Products”) at the Establishment, and is governed by Louisiana Revised Statutes Title 26, Chapter 7, *R.S. 26:901 et seq.*, and by the rules of the Louisiana Department of Revenue, Office of Alcohol and Tobacco Control (“ATC”) set forth in LAC 55:II.Chapter 31.

II. RESPONSIBILITIES AND LIABILITY OF BOTH PARTIES

1. **Age Restriction.** Pursuant to Louisiana law, placement of a vending machine is prohibited in any establishment that allows access or entry to any person under twenty-one (21).
2. **Placement Requirement:** Both parties shall maintain the vending machine in the unobstructed line of sight of the Establishment Owner or a designated employee to prevent use by persons under twenty-one (21).
3. **Compliance with Tobacco Law** – Both parties must comply with all applicable laws and regulations, including La. R.S. 26:902 et seq.

III. RESPONSIBILITIES AND LIABILITY OF THE OPERATOR

The Operator declares and affirms, under penalty of perjury, that the Operator is solely responsible for, and shall bear full liability for, the following obligations:

1. Holding a valid, unsuspended ATC Vending Machine Operator Permit issued under R.S. 26:902(3), and a valid, unsuspended ATC Vending Machine Permit issued under R.S. 26:902(4) for each vending machine listed in Section II, timely renewing each permit in accordance with 26:905 and

paying the fees prescribed by R.S. 26:903. (*Vending machine operator and vending machine permits expire each year on June 30*).

2. Affixing each ATC vending machine permit to the upper front surface of the corresponding vending machine as required by R.S. 26:902(4) and LAC 55:II.3103(A)(6).
3. Ensuring that each vending machine dispenses only legal and approved Covered Products obtained from a Louisiana tobacco wholesale dealer with a valid, unsuspended wholesale dealer permit and, when applicable, a stamping agent designation, in accordance with R.S. 26:911(B).
4. Cooperating in good faith with any ATC investigation, inspection, or enforcement action, and maintain all records and invoices required by law and producing such record upon request by ATC.

IV. RESPONSIBILITIES AND LIABILITY OF THE ESTABLISHMENT OWNER

The Establishment Owner declares and affirms, under penalty of perjury, that the Owner is solely responsible for, and shall bear full liability for, the following obligations:

1. Maintaining a valid, unsuspended ATC tobacco retail dealer permit issued under R.S. 26:902(1), renewing the permit as required by R.S. 26:905, and paying all fees prescribed by R.S. 26:903. A current tobacco retail dealer permit is required whenever Covered Products are offered or available for sale, including through a vending machine or over-the-counter. The permit must be publicly displayed in accordance with R.S. 26:912(B).
2. The Establishment shall restrict and deny entry to any person under twenty-one (21) at all times.
3. Not permit any act prohibited by R.S. 26:911 or any other applicable law or rule to occur on or about the Establishment.

V. ATTESTATION

The Operator and the Owner each declare, under penalty of perjury under the laws of the State of Louisiana, that the foregoing is true and correct to the best of their knowledge, information, and belief, and attest that each party

VM Operator's Signature

Title

Date

Print Name of VM Operator

VM Operator Permit No.: _____

Establishment Owner's Signature

Title

Date

Print Name of Establishment Owner

TB Retail Dealer Permit No.: _____

VI. NOTARIAL ACKNOWLEDGMENT

SWORN TO AND SUBSCRIBED before me, this _____ day of _____, 20____, in the parish/county of _____, State of _____.

Notary Public Signature

Print Name of Notary Public