

Regular Session, 2013

HOUSE BILL NO. 126

BY REPRESENTATIVE HODGES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ALCOHOLIC BEVERAGE PERMT: Provides relative to the posting of National Human Trafficking Resources Center hotline information at certain establishments

1 AN ACT

2 To amend and reenact R.S. 15:541.1(A)(3), (B), (C)(1), and (D) and R.S. 26:96(A), relative
3 to the National Human Trafficking Resource Center hotline; to provide for the
4 posting of certain information regarding the National Human Trafficking Resource
5 Center hotline; to provide for certain offices and departments to notify affected
6 establishments of the requirements; to provide for the assessment of a fine; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:541.1(A)(3), (B), (C)(1), and (D) are hereby amended and
10 reenacted to read as follows:

11 §541.1. Posting of the National Human Trafficking Resource Center hotline;
12 content; languages; notice; civil penalty

13 A. All of the following establishments shall be required to post information
14 regarding the National Human Trafficking Resource Center hotline:

15 * * *

16 (3) Every ~~highway truck stop~~ full service fuel facility adjacent to an
17 interstate highway or highway rest stop.

18 B.(1) Such information shall be posted prominently ~~both inside and outside~~
19 restrooms in the premises described in Subsection A of this Section, and in any areas
20 that are frequently used by employees of the establishment including but not limited

1 to dressing rooms and break rooms inside of a strip club or sexually-oriented
2 establishment.

3 (2)(a) Such posting shall be no smaller than eight and one-half inches by
4 eleven inches and shall contain the following wording in bold typed print of not less
5 than fourteen-point font:

6 "If you or someone you know is being forced to engage in any activity and
7 cannot leave, whether it is commercial sex, housework, farm work, or any other
8 activity, call the National Human Trafficking Resource Center hotline at 1-888-373-
9 7888 to access help and services."

10 (b) Such posting shall also comply with any other requirement established
11 by regulations promulgated by the commissioner in accordance with the
12 Administrative Procedure Act.

13 ~~The victims of human trafficking are protected under U.S. law and the laws~~
14 ~~of Louisiana.~~

15 ~~The hotline consists of the following services:~~

16 ~~(a) Available 24 hours a day, 7 days a week.~~

17 ~~(b) Toll-free.~~

18 ~~(c) Operated by a non-profit, non-governmental organization.~~

19 ~~(d) Anonymous and confidential.~~

20 ~~(e) Accessible in 170 languages.~~

21 ~~(f) Able to provide help, referral to services, training, and general~~
22 ~~information".~~

23 (3) The language in the posting shall be printed in English, Louisiana
24 French, Spanish, and any other languages that the ~~Department of Public Safety and~~
25 ~~Corrections~~ commissioner of alcohol and tobacco control shall require.

26 C. The following departments of the state shall provide each establishment
27 described in Subsection A of this Section over which that department exercises any
28 regulatory control or authority with the notice required by this Section. The
29 departments shall post on their websites a sample of the posting described in

1 Subsection B of this Section which shall be accessible for download. The
2 departments are as follows:

3 (1) Department of Revenue and the office of alcohol and tobacco control.

4 * * *

5 D. A civil penalty ~~of five hundred dollars shall~~ in accordance with R.S.
6 26:96(A) may be assessed for each violation of this Section. The departments listed
7 in Subsection C of this Section or any law enforcement agency with jurisdiction are
8 charged with the enforcement of this Section ~~and may assess the civil penalty.~~

9 Section 2. R.S. 26:96(A) is hereby amended and reenacted to read as follows:

10 §96. Revocation and suspensions not exclusive penalty

11 A.(1) Notwithstanding any other provision of this Chapter to the contrary,
12 the commissioner may, in lieu of or in addition to revocation or suspension of a
13 permit issued under the authority of this Chapter, impose the following schedule of
14 fines to be paid into the state treasury for:

15 ~~(1)~~(a) A first offense, not less than fifty dollars but not more than five
16 hundred dollars.

17 ~~(2)~~(b) A second offense, ~~which that~~ which that occurs within three years of the first
18 offense, not less than two hundred fifty dollars but not more than one thousand
19 dollars; ~~and.~~

20 ~~(3)~~(c) A third offense, ~~which that~~ which that occurs within three years of the first
21 offense, not less than five hundred dollars but not more than two thousand five
22 hundred dollars.

23 (2) A retail dealer who is required pursuant to R.S. 15:541.1 to post
24 information regarding the National Human Trafficking Center hotline and fails to
25 post such information may be assessed a fine in accordance with the provisions of
26 this Section.

27 * * *

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)]

Hodges

HB No. 126

Abstract: Authorizes the office of alcohol and tobacco control to provide for certain posting requirements relative to the National Human Trafficking Resource Center hotline and authorizes the ATC commissioner to assess fines for failure to post such information.

Present law requires the following establishments to post information regarding the National Human Trafficking Resource Center hotline in specific areas on the premises:

- (1) Every massage parlor, spa, or hotel that has been found to be a public nuisance for prostitution.
- (2) Every strip club or sexually oriented business as provided for in present law.
- (3) Every highway truck stop or highway rest stop.

Proposed law retains present law except that it removes a highway truck stop from the requirement and adds a full service fuel facility adjacent to an interstate highway.

Present law requires that the information regarding the National Human Trafficking Resource Center hotline must be posted prominently both inside and outside the premises of the establishments.

Proposed law requires that the information be posted prominently inside restrooms in the premises and in any areas that are frequently used by employees of the establishment, including but not limited to dressing rooms and break rooms inside of a strip club or sexually oriented establishment.

Present law provides for certain requirements relative to the print and language printed on the posting.

Proposed law retains present law except it removes certain language from the posting and adds that such posting shall comply with any other requirements that are established by regulations promulgated by the commissioner in accordance with the Administrative Procedure Act.

Present law requires each posting to be printed in English, Louisiana French, Spanish, and any other languages required by the Dept. of Public Safety and Corrections.

Proposed law retains present law except that it changes the requirements imposed on the Dept. of Public Safety and Corrections to the commissioner of alcohol and tobacco control (ATC).

Present law requires Dept. of Revenue and DOTD to provide each establishment within their regulatory control or authority with the notice information and to post samples of the notice on their websites for download.

Proposed law retains present law and adds the requirements relative to the Dept. of Revenue to the office of alcohol and tobacco control.

Present law requires a civil penalty of \$500 to be assessed for each violation to be enforced by the departments provided for in present law.

Proposed law authorizes a civil penalty to be assessed in accordance with present law, which provides for certain penalties that may be imposed in lieu of or in addition to revocation or suspension of a permit to be enforced by the departments or any law enforcement agency with jurisdiction.

Present law authorizes the commissioner of the ATC to assess certain fines in lieu of or in addition to revocation or suspension of a permit.

Proposed law retains present law and adds authorization for the commissioner to assess a fine against a retail dealer.

(Amends R.S. 15:541.1(A)(3), (B), (C)(1), and (D) and R.S. 26:96(A))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Changed the application for the requirement to post certain information from a highway truck stop to a full service fuel facility adjacent to an interstate highway.
2. Added authorization for the commissioner to provide for additional requirements that may be established by regulations promulgated in accordance with the Administrative Procedure Act as it relates to print and language on the posting.
3. Deleted certain language required to be printed on the posting.
4. Added the office of alcohol and tobacco control to the list of departments required to provide notice and samples of the posting on their websites.
5. Removed the authorization to assess a civil penalty of \$500 for each violation and added authorization to assess a fine provided for in present law in lieu of or in addition to suspension or revocation of a permit and further added enforcement by any law enforcement agency with jurisdiction.
6. Added authorization for the commissioner to assess certain fines in lieu of or in addition to suspension or revocation of a permit for a retail dealer who is required to post certain information and fails to do so.