

2018 Regular Session

HOUSE BILL NO. 899 (Substitute for House Bill No. 235 by Representative Hilferty)

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To amend and reenact R.S. 26:933(E) and (F) and to enact R.S. 26:933(G) and (H), relative
3 to the Responsible Vendor Program; to provide for information on matters of sexual
4 assault, rape, sexual harassment, and sex trafficking; to provide for the content of the
5 informational pamphlet; to provide relative to the development of the informational
6 pamphlet; to provide for a limitation of liability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 26:933(E) and (F) are hereby amended and reenacted and R.S.
9 26:933(G) and (H) are hereby enacted to read as follows:

10 §933. Establishment of responsible vendor program

11 * * *

12 E.(1) The Louisiana Alcohol and Tobacco commissioner and the Louisiana
13 Department of Health shall consult with appropriate governmental and
14 nongovernmental agencies statewide in the development and distribution of an
15 informational pamphlet. The commissioner shall include the informational pamphlet
16 in the updated version of the responsible vendor handbook. The informational
17 pamphlet shall include information based upon evidence-based practices and the
18 following subject areas:

1 (a) Methods of identifying and responding to sexual assault, rape, sexual
2 harassment, and sex trafficking.

3 (b) Definitions of rape, sexual assault, sexual harassment, and sex
4 trafficking.

5 (c) Potential responses of vendors in the event a sexual assault, rape, sexual
6 harassment, or sex trafficking occurs on the premises.

7 (d) Effects of rape, sexual assault, sexual harassment, and sex trafficking on
8 primary and secondary victims.

9 (e) Updated information on the physical appearance of drugs, the effects of
10 drugs, street names for drugs, and methods of delivery as it relates to rape, sexual
11 assault, sexual harassment, and sex trafficking.

12 (2) Employers who are considered responsible vendors may provide the
13 informational pamphlet to each existing or newly hired bartender, server, or security
14 personnel.

15 F.(1) A person subject to the provisions of Subsection C or D is immune
16 from all civil and administrative liability for reporting or failing to report a sexual
17 assault, rape, sexual harassment, or sex trafficking incident, and nothing in this
18 Section shall be construed to create any duty, obligation, or mandate for a person
19 subject to the provisions of Subsection C or D.

20 (2) The immunity provided by this Subsection shall not extend to any person
21 subject to the provisions of Subsection C or D in a case when such person is a
22 principal, conspirator, or an accessory after the fact to an offense involving a sexual
23 assault, rape, sexual harassment, or sex trafficking incident.

24 E.G. The commissioner, upon recommendation of the program
25 administrator, may promulgate rules and regulations to effectuate the program in
26 accordance with the Administrative Procedure Act, including but not limited to rules
27 and regulations related to the development, establishment, and maintenance of the
28 entire program.

1 F.H. The commissioner shall provide a system for vendors to verify the
2 validity of individual server permits.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____