

2018 Regular Session

ACT No. 706

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

BY REPRESENTATIVE HILFERTY

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§933. Establishment of responsible vendor program

* * *

E.(1) The commissioner and the Louisiana Department of Health shall consult with appropriate governmental and nongovernmental agencies statewide in the development and distribution of an informational pamphlet. The commissioner shall include the informational pamphlet in the updated version of the responsible vendor handbook. The informational pamphlet shall include information based upon evidence-based practices and the 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 of this Section
16 is immune from all civil and administrative liability for reporting or failing to report
17 a sexual assault, rape, sexual harassment, or sex trafficking incident, and nothing in
18 this Section shall be construed to create any duty, obligation, or mandate for a person
19 subject to the provisions of Subsection C or D of this Section.

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