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**SENATE COMMITTEE AMENDMENTS**

2017 Regular Session

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 144  
by Senator Johns

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1 AMENDMENT NO. 1

2 On page 1, line 2 after "R.S. 26:90(D)" delete the remainder of the line and insert "and (E),  
3 286(D) and (E), 931, 932, and 933(E) and (F), to"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "R.S. 26:90(L)" delete "and 286(K)," insert ", 286(K), 933(G), and  
6 934(A), (B), and (C)"

7 AMENDMENT NO. 3

8 On page 1, line 4, after "beverages" and before "high" delete "or" and insert "of"

9 AMENDMENT NO. 4

10 On page 1, delete line 6 and insert "to provide for Human Trafficking Guardians; to provide  
11 for training and certification; to provide for a Louisiana Human Trafficking Education  
12 Program; to provide for program requirements; to provide for definitions;"

13 AMENDMENT NO. 5

14 On page 1, line 9, after "R.S. 26:90(D)" delete the remainder of the line and insert " and (E),  
15 286(D) and (E), 931, 932, and 933(E) and (F) are hereby"

16 AMENDMENT NO. 6

17 On page 1, line 10, after "R.S. 26:90(L)" delete "and 286(K)" insert ", 286(K), 933(G), and  
18 934(A), (B), and (C)"

19 AMENDMENT NO. 7

20 On page 1, line 14, after "person" insert "**on the licensed premises**"

21 AMENDMENT NO. 8

22 On page 1, at the end of line 15, insert "¡:"

23 AMENDMENT NO. 9

24 On page 1, line 16, change "~~(1) Sexual~~" to "(1) Sexual" and delete "**sexual**"

25 AMENDMENT NO. 10

26 On page 2, delete lines 1 through 4 and insert the following:

27                   "~~(2) The touching, caressing or fondling of the breast, buttocks, anus, or~~  
28                   genitals.

29                   ~~(3)~~ The displaying of the pubic hair, anus, vulva, genitals, or nipple of the  
30                   female breast.

31                   **(3)(a) The provisions of Paragraph (2) of this Subsection shall not apply**  
32                   **to conduct in theaters, concert halls, art centers, museums, or similar**

1 establishments that are primarily devoted to the arts or theatrical performances  
2 when the performances that are presented are expressing matters of serious  
3 literary, artistic, scientific, or political value.

4 (b)The provisions of Subparagraph(a) of this Paragraph shall not be  
5 construed to apply to any sexually oriented business as defined in R.S.  
6 46:231(25) or any commercial establishment that regularly offers live semi-nude  
7 conduct."

8 AMENDMENT NO. 11

9 On page 2, line 8, delete "twenty-one" and insert "eighteen"

10 AMENDMENT NO. 12

11 On page 2, line 9, delete "shall remain" and insert "remains"

12 AMENDMENT NO. 13

13 On page 2, line 12, change "Subsection" to "Section"

14 AMENDMENT NO. 14

15 On page 2, between lines 18 and 19, insert the following:

16 "(3) The provisions of this Subsection shall only apply upon a licensed  
17 premises that regularly offers live performances or other conduct involving  
18 nudity or semi-nudity and shall not apply to performances by burlesque dancers  
19 who are scheduled or hired to perform for a live audience."

20 AMENDMENT NO. 15

21 On page 2, delete lines 19 through 29 and on page 3, delete lines 1 through 17

22 AMENDMENT NO. 16

23 On page 3, line 21, after "welfare" insert "of the public." and delete the remainder of the  
24 line and delete lines 22 through 29

25 AMENDMENT NO. 17

26 On page 4, delete lines 1 through 13

27 AMENDMENT NO. 18

28 On page 4, line 18, after "person" insert "on the licensed premises"

29 AMENDMENT NO. 19

30 On page 4, at the end of line 19, insert "¿:"

31 AMENDMENT NO. 20

32 On page 4, line 20, change "~~(1) Sexual~~" to "(1) Sexual" and delete "sexual"

33 AMENDMENT NO. 21

34 On page 4, delete lines 22 through 25 and insert the following:

35 ~~"(2) The touching, caressing or fondling of the breast, buttocks, anus, or~~  
36 ~~genitals.~~



1 For purposes of this Chapter, the following terms have the respective  
 2 meanings ascribed to them in this Chapter, unless a different meaning clearly appears  
 3 from the context:

4 (1) "Approved provider" means an individual, unincorporated association,  
 5 partnership, or corporation approved by the program administrator to provide server  
 6 or security personnel training courses.

7 (2) "Commissioner" means the commissioner of alcohol and tobacco control.

8 **(3) "Human Trafficking Education Certificate" means the certificate**  
 9 **issued upon successful completion of all courses and all refresher courses**  
 10 **required pursuant to this Chapter.**

11 **(4) "Human Trafficking Guardian" means any person who owns,**  
 12 **manages, or participates in the hiring of any person to work at a qualified truck**  
 13 **stop as defined in R.S. 27:417, an official gaming establishment as defined in**  
 14 **R.S. 27:205(26), an adult bookstore, an adult paraphernalia store, a sexually**  
 15 **oriented business as defined in R.S. 37:3558(C), or a retail establishment that**  
 16 **provides adult-oriented entertainment in which performers disrobe or perform**  
 17 **in an unclothed state for entertainment purposes.**

18 ~~(5)~~ "Program administrator" means a committee of seven persons provided  
 19 for in R.S. 26:933.

20 ~~(6)~~ "Responsible vendor" means any vendor as defined in Paragraph ~~(1011)~~  
 21 of this Section who qualifies and maintains certification in accordance with the  
 22 provisions of this Chapter.

23 ~~(7)~~ "Security Personnel" includes any person, other than a server, who  
 24 monitors the entrance and other areas of an establishment for purposes of identifying  
 25 underage and intoxicated persons, enforcing establishment rules and regulations and  
 26 otherwise providing security for the establishment and its customers where alcoholic  
 27 beverages are the principal commodity sold for consumption on the premises.  
 28 "Security personnel" shall not include persons employed by hotels or motels which  
 29 consist of sleeping rooms, cottages or cabins unless the person works primarily in  
 30 an area on the licensed premises of a hotel or motel where the principal commodity  
 31 sold is alcoholic beverages for consumption on the licensed premises.

32 ~~(8)~~ "Server" means any employee of a vendor, other than security  
 33 personnel, who is authorized to sell or serve alcoholic beverages, tobacco products,  
 34 alternative nicotine products, or vapor products in the normal course of his or her  
 35 employment or deals with customers who purchase or consume alcoholic beverages  
 36 or tobacco products. "Server" shall not include individuals employed on a temporary  
 37 or casual basis by a bona fide hotel or motel for banquets, catering, or other special  
 38 events.

39 ~~(79)~~ "Server permit" means the permit issued to a server or security  
 40 personnel upon completion of all required server or security personnel training  
 41 courses and all required refresher courses provided for in this Chapter.

42 ~~(810)~~ "Tobacco wholesale dealer" means a dealer whose principal business  
 43 is that of a wholesaler, who sells cigarettes, cigars, or other tobacco products to retail  
 44 dealers for purpose of resale, who is a bona fide wholesaler, and fifty percent or  
 45 more of whose total tobacco sales are to retail stores other than its own or its  
 46 subsidiaries within Louisiana. Wholesale dealer shall include any person in the state  
 47 who acquires cigarettes solely for the purpose of resale in vending machines,  
 48 provided such person services fifty or more cigarette vending machines in Louisiana  
 49 other than his own, and a Louisiana dealer who was affixing cigarette and tobacco  
 50 stamps as of January 1, 1974.

51 ~~(911)~~ "Tobacconist" means any bona fide tobacco retailer engaged in  
 52 receiving bulk smoking tobacco for the purpose of blending such tobacco for retail  
 53 sale at a particular retail outlet where fifty percent or more of the total purchases for  
 54 the preceding twelve months were purchases of tobacco products, excluding  
 55 cigarettes.

56 ~~(1012)~~ "Vendor" means any holder of a Class "A" General, Class "A"  
 57 Restaurant, or Class "B" retail permit issued pursuant to R.S. 26:71 or 271 or any  
 58 holder of a Retail Dealer Permit defined by R.S. 26:902. "Vendor" shall not include  
 59 any holder of a Type A or Type B temporary alcoholic beverage permit issued  
 60 pursuant to R.S. 26:793(A)(1).

§933. Establishment of responsible vendor program and Louisiana Human Trafficking Education Training Program

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E. The commissioner shall approve a Louisiana Human Trafficking Education Training Program, hereafter referred to as "the human trafficking education program", designed to educate Human Trafficking Guardians about opportunities to identify potential or actual victims of human trafficking and services available to assist victims or potential victims. The human trafficking education program shall include all of the following:

- (1) Enrollment and certification of the vendor in the program.
- (2) Education on the extent of the problem of human trafficking.
- (3) Education on understanding the definition of human trafficking.
- (4) Education on recognizing the signs that a person is or may become a victim of human trafficking.
- (5) Education on community assistance programs that help victims or potential victims of human trafficking and the contact information of the appropriate law enforcement officials to report human trafficking.

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

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

§934. Requirements for certification

A. In order to qualify for and maintain certification as a responsible vendor, the vendor shall comply with all of the following:

\* \* \*

B. In order to qualify for and maintain certification as a Human Trafficking Guardian, all of the following are required:

- (1) Enrollment in the human trafficking education program and written verification to the commissioner that the Human Trafficking Guardian has read and understands a Human Trafficking Education Handbook, and any periodic amendments thereto, which handbook shall be developed, published and distributed by the program administrator and approved by the commissioner.
- (2) Successful completion of all human trafficking education courses offered by an approved provider by each Human Trafficking Guardian within forty-five days after commencing employment and securing and maintaining a Human Trafficking Education Certificate. Human Trafficking Education Certificates shall be valid for a period of four years and shall be issued and renewed in accordance with the rules and regulations promulgated by the commissioner.
- (3) Attendance at a refresher course by each Human Trafficking Guardian at least once every four years as scheduled by any approved provider, which course shall include the dissemination of new information relating to the human trafficking education program subject areas as set forth in R.S. 26:933.
- (4) Regular training of employees on how to recognize human trafficking, how to report human trafficking, and the obligation to report any suspected or known human trafficking occurring on the premises.
- (5) Maintenance of training verification records of its employees.

C.(1) In addition to the requirements set forth in Subsection B of this Section, all Human Trafficking Guardians and their employees shall be mandatory reporters. Mandatory reporters shall be required to report to law enforcement all instances of human trafficking or suspected human trafficking occurring on the premises set forth in R.S. 26:932(4).

(2) After an investigation, if the office of alcohol and tobacco control has obtained evidence that a mandatory reporter knew or should have known of human trafficking or attempted human trafficking on the premises set forth in R.S. 26:932(4), that shall be grounds for proceedings, as set forth in R.S. 26:93, for suspension or revocation of a Human Trafficking Guardian's permit issued pursuant to R.S. 26:71 or R.S. 26:271.

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**(3) For the purpose of this Subsection, "mandatory reporter" shall mean all Human Trafficking Guardians and all full-time and part-time employees employed by the Human Trafficking Guardian on the premises set forth in R.S. 26:932(4)."**