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The original instrument was prepared by Alden A. Clement Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ashley Menou.

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DIGEST

SB 144 Engrossed 2017 Regular Session Johns

Present law provides relative to holders of alcoholic retail dealer's permits for beverages of high alcoholic content or low alcoholic content.

Present law provides that for holders of alcoholic retail dealer's permits for beverages of high alcoholic content or low alcoholic content, the following acts or conduct on licensed premises are deemed to constitute lewd, immoral, or improper entertainment as prohibited by present law and therefore no on-sale permit for beverages of high alcoholic content can be held at any premises where such conduct or acts are permitted:

- (1) Employment or use of any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.
- (2) Employment or use of the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume, or clothing.
- (3) Encouraging or permitting any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, or genitals of any other person.
- (4) Permitting any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair, or any portion thereof.

Proposed law deletes item (4) from the list, above, as the same subject matter is covered by other provisions of proposed law. Proposed law otherwise retains present law.

Proposed law provides that proposed law shall apply to holders of alcoholic retail dealer's permits for beverages of high alcoholic content and low alcoholic content.

Present law provides that for holders of alcoholic retail dealer's permits for beverages of both high alcoholic content or low alcoholic content, live entertainment is permitted on any licensed premises, except that no permittee can permit any person to perform acts of or acts that simulate:

- (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (2) The touching, caressing or fondling of the breast, buttocks, anus, or genitals.

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

Proposed law deletes the present law reference to "live entertainment" and provides that no permittee shall permit any person on the licensed premises to engage in the following:

- (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (2) The displaying of the pubic hair, anus, vulva, genitals, or nipple of the female breast.

Proposed law provides an exception for conduct in theaters, concert halls, art centers, museums, or similar establishments that are primarily devoted to the arts or theatrical performances. Proposed law further provides that such exception shall never apply to any sexually oriented business.

Proposed law provides that the provisions and exception of proposed law shall apply to holders of alcoholic retail dealer's permits for beverages of high alcoholic content and low alcoholic content.

Present law provides that, subject to provisions of present law, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least three feet from the nearest patron and shall be 21 years of age or older.

Proposed law provides that, only in a licensed premises that regularly offers live performances or other conduct involving nudity or semi-nudity, no permittee can allow any person to appear in a semi-nude condition upon the licensed premises unless the person is 18 years of age or older and, while semi-nude, the person remains upon a stage at least 18 inches above the immediate floor level and is removed at least three feet from the nearest patron.

Proposed law defines "semi-nude" as the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of a majority of the male or female buttocks, and includes the lower portion of the female breast, but does not include any portion of the cleavage of the female breast exhibited by a bikini, dress, blouse, shirt, leotard, or similar apparel provided that the areola is not exposed in whole or in part.

Proposed law provides an exception for performances by burlesque dancers who are scheduled or hired to perform for a live audience.

Proposed law provides that the provisions and exception of proposed law shall apply to holders of alcoholic retail dealer's permits for beverages of both high alcoholic content and low alcoholic content.

Proposed law provides that the purpose of proposed law is to regulate conduct in establishments licensed to sell beverages of high alcoholic content and low alcoholic content so as to promote the health, safety, and general welfare of the public.

Proposed law creates the Human Trafficking Education Program to be approved by the

commissioner and designed to educate Human Trafficking Guardians about opportunities to identify potential or actual victims of human trafficking and services available to help victims.

Proposed law defines "Human Trafficking Guardian" as any person who owns, manages, or participates in the hiring of any person to work at a qualified truck stop, an official gaming establishment, an adult bookstore, an adult paraphernalia store, a sexually oriented business, or a retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment purposes.

Proposed law provides that in order for a Human Trafficking Guardian to qualify for and maintain certification, all of the following are required:

- (1) Enrollment in the human trafficking education program and verification that the Human Trafficking Guardian has read and understands a Human Trafficking Education Handbook.
- (2) Completion of all human trafficking education courses within forty-five days after commencing employment and securing and maintaining a Human Trafficking Education Certificate.
- (3) Attendance at a refresher course by each Human Trafficking Guardian at least once every four years.
- (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.

Proposed law provides that all Human Trafficking Guardians and their employees shall be mandatory reporters and required to report any instance of human trafficking or suspected human trafficking occurring on the licensed premises.

Proposed law defines "mandatory reporter" as all Human Trafficking Guardians and all full-time and part-time employees employed by the Human Trafficking Guardian.

Proposed law provides that, after an investigation, if ATC has evidence that a mandatory reporter knew or should have known of human trafficking or attempted human trafficking, it shall be grounds for proceedings for suspension or revocation of the Human Trafficking Guardian's alcoholic retail dealer's permit.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends 26:90(D) and (E), 286(D) and (E), 931, 932, and 933(E) and (F); adds R.S. 26:90(L), 286(K), 933(G), and 934(A) and (B) and (C); repeals R.S. 26:90(B)(4) and 286(B)(4))

## Summary of Amendments Adopted by Senate

### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Changes what acts a retail dealer's permit holder of low or high alcoholic content must prohibit on the licensed premises and provides an exception for conduct in establishments, except sexually oriented businesses, primarily devoted to arts or theatrical performances.
2. Lowers the age at which a holder of a retail dealer's permit for beverages of high alcoholic content and low alcoholic content can allow a person to appear in a semi-nude condition from 21 to 18.
3. Clarifies the restrictions that a person under 18 can appear in a semi-nude condition.
4. Deletes the amendments to present law regarding artificial devices and conduct on licensed premises, for permits of both high and low alcoholic content beverages, that constitutes lewd, immoral, or improper behavior.
5. Clarifies that the legislative intent.
6. Creates the Human Trafficking Education Training Program and its contents and requirements for certification.
7. Creates and defines Human Trafficking Guardians, Human Trafficking Education Certificate, and mandatory reporter.
8. Provides for the requirements of a mandatory reporter.