
HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Substitute for Original House Bill No. 235 by Representative Hilferty as proposed by the House Committee on Judiciary

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

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

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E. The Louisiana Alcohol and Tobacco 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.

(1) The informational pamphlet shall include information based upon evidence-based practices and the following subject areas:

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

(i) Definitions of rape, sexual assault, sexual harassment, and sex trafficking.

(ii) Potential responses of vendors in the event a sexual assault, rape, sexual harassment, and sex trafficking occurs on the premises.

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

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

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

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

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

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

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)]

HB Draft

2018 Regular Session

Abstract: Requires the Louisiana Alcohol and Tobacco Commissioner to create and distribute an informational pamphlet that addresses methods of identifying and responding to rape, sexual assault, sexual harassment, and sex trafficking.

Present law creates the Responsible Vendor Program and the curriculum for servers and security personnel training.

Proposed law retains present law and requires the Louisiana Alcohol and Tobacco Commissioner (ATC) to create and distribute an informational pamphlet that addresses methods of identifying and responding to rape, sexual assault, sexual harassment, and sex trafficking. ATC is responsible for updating their current Responsible Vendor Handbook with same data that is listed in the informational pamphlet.

Proposed law authorizes the informational pamphlets to be distributed to existing and newly hired bartenders, servers, and security personnel. Furthermore, proposed law includes an immunity clause for bartenders, servers, and security personnel for reporting or failing to report any sexual assault, rape, sexual harassment, or sex trafficking incident.

(Amends R.S. 26:933(E) and (F); Adds R.S. 26:933(G) and (H))