

2018 Regular Session

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

BY REPRESENTATIVE HILFERTY

ALCOHOLIC BEVERAGES: Provides relative to the educational requirements of the ATC Responsible Vendor Program for bartenders, servers, and security personnel

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:

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

1 (b) Definitions of rape, sexual assault, sexual harassment, and sex
2 trafficking.

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

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

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

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

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

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

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

27 F.H. The commissioner shall provide a system for vendors to verify the
28 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 899 Engrossed

2018 Regular Session

Hilferty

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 its responsible vendor handbook with the 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))