2018 Regular Session

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

BY REPRESENTATIVE HILFERTY

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 commissioner and the Louisiana Department of Health shall

13   consult with appropriate governmental and nongovernmental agencies statewide in

14   the development and distribution of an informational pamphlet. The commissioner

15   shall include the informational pamphlet in the updated version of the responsible

16   vendor handbook. The informational pamphlet shall include information based upon

17   evidence-based practices and the following subject areas:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored
are additions.

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: _____