

2020 Regular Session

SENATE BILL NO. 43

BY SENATOR JOHNS

COMMERCIAL REGULATIONS. Provides relative to business filings and NAICS codes.  
(8/1/20)

1 AN ACT  
2 To amend and reenact R.S. 44:4.1(B)(3) and (5) and to enact R.S. 9:3411 and R.S. 12:1705,  
3 relative to business filings; to provide relative to the North American Industry  
4 Classification System codes; to provide for confidentiality of certain information; to  
5 provide for public records; to provide for exceptions, exemptions, and limitations;  
6 to provide for terms, conditions, and procedures; and to provide for related matters.  
7 Be it enacted by the Legislature of Louisiana:  
8 Section 1. R.S. 9:3411 is hereby enacted to read as follows:  
9 **§3411. North American Industry Classification System; codes; filings;**  
10 **confidentiality**  
11 **A. Beginning February 1, 2021, if requested by the secretary of state, an**  
12 **entity that submits filings in accordance with the provisions of this Code Title**  
13 **shall include with each filing the entity's North American Industry**  
14 **Classification System (NAICS) code.**  
15 **B. Any NAICS code submitted to or captured by the secretary of state**  
16 **pursuant to the provisions of this Section shall be confidential and shall not be**  
17 **disclosed by the secretary of state or any employee or official of the Department**

1 of State.

2 C.(1) The provisions of Subsection B of this Section shall not prohibit  
3 the disclosure of a NAICS code by the secretary of state or any employee or  
4 official of the Department of State to an agency, official, or employee of state  
5 government or a political subdivision of the state during the course of the  
6 interaction with such agency, official, or employee.

7 (2) Any person who receives a NAICS code pursuant to Paragraph  
8 (C)(1) of this Subsection shall use such code only for the governmental purpose  
9 for which the information was submitted to or captured by the secretary of  
10 state, shall not disclose the NAICS code, and shall maintain the confidentiality  
11 of the NAICS code.

12 Section 2. R.S. 12:1705 is hereby enacted to read as follows:

13 §1705. North American Industry Classification System; codes; filings;  
14 confidentiality

15 A. Beginning February 1, 2021, if requested by the secretary of state, an  
16 entity that submits filings in accordance with the provisions of this Title shall  
17 include with each filing the entity's North American Industry Classification  
18 System (NAICS) code.

19 B. Any NAICS code submitted to or captured by the secretary of state  
20 pursuant to the provisions of this Section shall be confidential and shall not be  
21 disclosed by the secretary of state or any employee or official of the Department  
22 of State.

23 C.(1) The provisions of Subsection B of this Section shall not prohibit  
24 the disclosure of a NAICS code by the secretary of state or any employee or  
25 official of the Department of State to an agency, official, or employee of state  
26 government or a political subdivision of the state during the course of the  
27 interaction with such agency, official, or employee.

28 (2) Any person who receives a NAICS code pursuant to Paragraph  
29 (C)(1) of this Subsection shall use such code only for the governmental purpose



Proposed law requires any person who receives a NAICS code to use such code only for the governmental purpose for which the information was submitted to or captured by the secretary of state. Proposed law prohibits such person from disclosing the code and requires such person to maintain confidentiality of the code.

Present law provides for the public records law and exceptions thereto.

Proposed law excludes any NAICS code submitted to or captured by the secretary of state from the public records law.

Effective August 1, 2020.

(Amends R.S. 44:4.1(B)(3) and (5); adds R.S. 9:3411 and R.S. 12:1705)