

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 395

2020 Regular Session

Cloud

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

ADVERTISING. Provides relative to false, misleading, or deceptive advertising.  
(8/1/20)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Authorizes a court to award reasonable costs, investigative expenses, and attorney fees to the attorney general in cases in which the state prevails.
2. Adds provisions regarding prima facie compliance if a licensing board or court adopts a comparable rule or process for approval of advertisements.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

## DIGEST

SB 395 Reengrossed

2020 Regular Session

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Present law provides that unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

Proposed law provides that in any action brought by the attorney general under the Uniform Trade Practices and Consumer Protection Law in which the state prevails, the court is required, in addition to relief granted by law, to award reasonable costs, investigative expenses, and attorney fees to the attorney general.

Proposed law provides that no person in any advertisement shall make, or permit to be made, a false, misleading, or deceptive statement about a monetary result obtained on behalf of a client or fail to disclose information necessary to prevent the information supplied in an advertisement from being false, misleading, or deceptive.

Proposed law defines "actually received", "advertisement", "media entity", "monetary result obtained", "false, misleading, or deceptive statement", and "person".

Proposed law excludes a media entity as a person.

Proposed law provides that any violation of proposed law shall be an unfair or deceptive trade practice declared unlawful and shall subject the violator to any and all actions and penalties pursuant to the Unfair Trade Practices and Consumer Protection Law. Proposed law provides that each iteration of an advertisement constitutes an unfair or deceptive trade practice.

Proposed law does not apply to any media entity responsible for the production or publication of any advertisement found to violate proposed law.

Proposed law does not apply to a media entity that is responsible for the carriage, distribution, transmission, or display of any advertisement found to violate proposed law.

Proposed law provides that in addition to all other remedies provided in the Unfair Trade Practices and Consumer Protection Law, any person who is found to have made, or to have permitted to be made on his behalf, a false, misleading, or deceptive statement under the provisions of proposed law shall be liable to the attorney general for all costs, expenses, and

fees related to investigations and proceedings associated with the violation, including attorney fees.

Proposed law provides that an action to recover costs, expenses, fees, and attorney fees shall be ancillary to and shall be filed and heard in the same court as a civil action filed for the unfair or deceptive trade practice.

The remedies and rights provided in proposed law are in addition to and shall not preclude any right or remedy otherwise authorized by law, including the enforcement of professional rules against the person by any licensing board or court.

Provides that if a licensing board or court adopts a comparable rule and a process for approval of advertisements, then the approval of an advertisement under that rule and process shall constitute prima facie evidence of compliance with proposed law.

Effective August 1, 2020.

(Adds R.S. 51:1407(F) and 1429)

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