

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 853** HLS 26RS 1111

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 9, 2026	12:56 PM	Author: MCMAKIN
Dept./Agy.: Attorney General		Analyst: Daniel Druilhet
Subject: Misleading Solicitations by Government Entities		

ADVERTISING

OR SEE FISC NOTE LF EX

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Provides relative to misleading solicitations by nongovernment entities

Current law provides for rules governing solicitations by governmental entities; provides that a solicitation by a non-governmental entity, for purchase or payment of a product or service, for the order by the addressee of goods or services, or both, shall qualify as a misleading solicitation if it could be interpreted or construed as implying any Louisiana state government connection, approval, or endorsement through the use of a seal, insignia, or name of a governmental agency, department, commission, or program, or a citation to a state law, contains any reference to state statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the state government, or could be construed by a business registered with the secretary of state (SOS) implying any connection with the SOS. Proposed law adds criteria for what qualifies as misleading solicitations, including (1) adding references to local and federal governments and (2) if the solicitation contains phrases such as "final notice," "immediate response requested," "official notification," or any similar language, unless there exists a business relationship with the solicitee, or (3) contains an offer for goods or services that result in a subscription service not clearly and conspicuously disclosed in consumer communications; updates and adds disclaimers; clarifies that a fine applies for each solicitation; removes the requirement that the Attorney General bring proceedings to recover fines; provides that whoever is in violation shall be liable to the solicitee for three times the initial loss in civil damages, plus reasonable attorney fees and costs, and that each violation constitutes an unfair trade act or practice in trade and subjects the violator to all actions, remedies, and penalties.

EXPENDITURES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW					

Annual Total

REVENUES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	SEE BELOW					
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0

Annual Total

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable impact on workload in the district courts and in the Office of the Attorney General.

District Courts. Proposed law may result in an indeterminable impact on workload in the district courts, to the extent that they experience an increase in filings for civil actions pursued for violations of the proposed law. Proposed law allows solicitees to independently pursue civil actions for fines, civil damages, attorney fees, and court costs against those persons or entities in violation. The exact fiscal impact relative to the increase in workload is indeterminable, because it is unknown the number of instances in which civil actions would be filed (and the related hearings conducted) for these matters.

Attorney General. Proposed law may result in an indeterminable impact on workload in the Office of the Attorney General, to the extent that the office pursues civil actions to recover fines or civil damages for misleading solicitations for the purchase or payment of a product or for the order by the addressee of goods or services. Proposed law expands the definition of what qualifies as a misleading solicitation and updates and adds required disclaimers. The exact fiscal impact to the Attorney General is indeterminable, because it is unknown the number of instances in which the Attorney General will pursue these civil actions and participate in hearings on these matters. While the proposed law does not mandate that the Attorney General bring an action to recover fines or civil damages to pursue these civil actions, it does not prohibit the Attorney General from bringing them. Any fiscal impact is projected to be absorbed within the Attorney General's budget.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in Self-Generated Revenue in the Office of the Attorney General to the extent that the office recovers fines from civil actions related to violations of the proposed law that are pursued by the Attorney General. The exact impact to Self-Generated Revenue is indeterminable, as it is unknown the number of civil actions brought by the Attorney General that will yield civil fines against those determined liable under the proposed law, and the fines that may be secured are variable in nature (the Attorney General is allowed to pursue civil fines of not more than \$1,000 per violation, in addition to civil damages, plus reasonable attorney fees and costs).

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
Deputy Fiscal Officer