

SENATE BILL NO. 451

BY SENATOR BROOME

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AN ACT

To amend and reenact Part VI-B of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1742.1, relative to providing information and making recommendations of lifestyle modifications, food, dietary supplements, or homeopathic remedies; to provide with respect to disclosure by certain individuals who provide such information recommendations; to provide for information to be disclosed in the disclosure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VI-B of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1742.1 is hereby amended and reenacted to read as follows:

~~PART VI-B. DISCLOSURE BY PURVEYORS OF FOOD;~~

~~DIETARY SUPPLEMENTS, OR HOMEOPATHIC REMEDIES~~

§1742.1. Disclosure of ~~purveyors of food, dietary supplements, or homeopathic~~
remedies

A. Any person who is a ~~vendor of food, dietary supplements, or homeopathic~~
~~remedies, hereinafter referred to as "vendor,"~~ who provides information or makes recommendations regarding **lifestyle modifications**, food, dietary supplements, or homeopathic remedies, for a consulting fee, **hereinafter referred to as a vendor**, but who is not licensed as a health care provider as defined in R.S. 37:1744(A) or a dietitian as defined in R.S. 37:3083 shall, prior to providing such services, disclose to the consumer in a plainly worded statement all of the following:

- (1) The name, business, and telephone number of the vendor.
- (2) The fact that he or she is not licensed, certified, or registered as a health care provider in the state of Louisiana.

1 (3) That ~~the~~ **any** food; **or** dietary supplements; ~~or homeopathic remedies~~
2 being recommended are not **medically prescribed** drugs.

3 (4) If applicable, the degree or degrees, training, or credentials of the vendor
4 ~~along with the fact that Louisiana does not currently license a person holding such~~
5 ~~degree or degrees, training, or credentials~~ **regarding services provided**.

6 B. Before a vendor provides information or recommendations to a consumer
7 for a fee for the first time, such vendor shall obtain a written acknowledgment from
8 the consumer stating that the consumer has been provided with the information in
9 Subsection A of this Section and such acknowledgment shall be maintained for two
10 years by the vendor. The consumer shall be provided with a copy of this written
11 acknowledgment.

12 C. The attorney general or the local district attorney in the parish where the
13 violator resides shall mail a certified letter to any vendor who violates this Section
14 advising the vendor that he must immediately begin to disclose to his or her
15 consumers information required in this Section.

16 D. This Section shall not apply to health care providers who are licensed in
17 the state of Louisiana and who provide information and make recommendations
18 regarding food, dietary supplements, ~~or~~ homeopathic remedies **or lifestyle**
19 **modifications** for a fee.

20 E. This Section shall not be interpreted to apply to, control, prevent, or
21 restrict the practice, service, or activity of lawfully marketing, selling, or distributing
22 products such as food, dietary supplements, or homeopathic remedies, educating
23 consumers about such products, or explaining the use of such products.

24 F. A person providing information or recommendations for a fee who is
25 acting under and in compliance with this Section shall not be in violation of R.S.
26 37:1271 for providing information or making recommendations regarding **lifestyle**
27 **modifications**, food, dietary supplements, or homeopathic remedies.

28 **G. As used in this Part, "lifestyle modifications" mean the broad domain**
29 **of traditional or homeopathic health care practices and other complementary**
30 **health practices and services provided by a person who is not licensed, certified**

1 or registered to perform any of the following designated services or practices:

2 (1) Practicing medicine or performing surgery as defined in R.S. 37:1262.

3 (2) Prescribing or administering any procedure involving ionizing
4 radiation.

5 (3) Prescribing, dispensing, administering, or recommending the
6 discontinuance of a prescription drug or device.

7 (4) Performing a chiropractic adjustment of the articulations of the
8 joints or spine.

9 (5) Holding out, stating, indicating, advertising, or otherwise implying
10 he is a health care provider, as defined in R.S. 40:1299.41(A)(1), or performing
11 the authorized prerogatives of the scope of practice of an individual
12 credentialed by any licensing, certification, or registration board or agency of
13 the state.

14 H. Nothing in this Part shall be construed as being applicable to a
15 member of the clergy or religious non-medical care vendor.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____