

# ACTS OF 2021 LEGISLATURE

## Acts 395-465

### ACT No. 395

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#### HOUSE BILL NO. 278

BY REPRESENTATIVE BISHOP AND SENATOR ALLAIN  
AN ACT

To amend and reenact R.S. 47:32(A), 241, 293(3) and (10), 295(B), 300.1, 300.6(A), and 300.7(A), to enact R.S. 47:32.1, and to repeal R.S. 47:293(4) and (9)(a)(ii), 296.1(B)(3)(c), and 298, relative to the individual and fiduciary income tax; to reduce the rates for purposes of calculating individual and fiduciary income tax liability; to repeal the deductibility of federal income taxes paid for purposes of calculating individual and fiduciary income tax; to provide with respect to the deduction for excess federal itemized personal deductions; to provide for certain requirements and limitations; to authorize the reduction of certain rates under certain circumstances; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:32(A), 241, 293(3) and (10), 295(B), 300.1, 300.6(A), and 300.7(A) are hereby amended and reenacted and R.S. 47:32.1 is hereby enacted to read as follows:

#### §32. Rates of tax

A. On individuals. The tax to be assessed, levied, collected and paid upon the taxable income of an individual shall be computed at the following rates:

(1) ~~Two One and eighty-five one hundredths~~ percent on that portion of the first twelve thousand five hundred dollars of net income which is in excess of the credits against net income provided for in R.S. 47:79;.

(2) ~~Four Three and one-half~~ percent on the next thirty-seven thousand five hundred dollars of net income; (3) ~~Six Four and twenty-five one hundredths~~ percent on any amount of net income in excess of fifty thousand dollars of net income.

\* \* \*

#### §32.1. Individual income tax rate reduction; trigger

A.(1) Beginning April 1, 2024, and each April first through 2034, if the prior fiscal year's actual individual income tax collections as reported in the state's accounting system exceed the actual individual income tax collections for the fiscal year ending June 30, 2019, as reported in the state's accounting system, adjusted annually by the growth factor provided for in Article VII, Section 10(C) of the Constitution, the individual income tax rate in R.S. 47:32 for the tax year beginning the following January first shall be reduced as provided in Paragraph (2) of this Subsection.

(2) The reduced rates shall be calculated by multiplying each current rate by the difference between one and the percentage change in individual income tax collections in excess of the individual income tax collections for Fiscal Year 2018-2019 adjusted annually by the growth factor as provided in Paragraph (1) of this Subsection. Rate reductions shall be made only if both of the following conditions are met:

(a) The prior fiscal year's actual total tax, licenses, and fees exceed the actual total tax, licenses, and fees for Fiscal Year 2018-2019, adjusted annually by the growth factor in Article VII, Section 10(C) of the Constitution of Louisiana.

(b) The Budget Stabilization Fund balance as determined by the treasurer is at least two and one-half percent of the total state revenue receipts from the prior fiscal year.

B. When the provisions of this Section require a reduction in the individual income tax rates, the secretary of the Department of Revenue shall publish the reduced rates, and shall include the reduced rates when publishing the tax tables pursuant to R.S. 47:295 and the withholding tables pursuant to R.S. 47:112.

C. The actual individual income tax collections and actual total tax, licenses, and fees used in the calculations required by this Section shall be certified by the Office of Statewide Reporting and Accounting Policy.

D.(1) "Growth factor provided for in Article VII, Section 10(C) of the Constitution" means the positive growth factor that is the most recent average annual percentage rate of change of personal income for Louisiana as defined and reported by the United States Department of Commerce for the three calendar years prior to the fiscal year in which this calculation is made.

(2) "Actual total tax, licenses, and fees" means actual total tax, licenses, and fees as reported to the Revenue Estimating Conference.

\* \* \*

#### §241. Net income subject to tax

The net income of a nonresident individual or a corporation subject to the tax imposed by this Chapter shall be the sum of the net allocable income earned within or derived from sources within this state, as defined in R.S.

47:243, and the net apportionable income derived from sources in this state, as defined in R.S. 47:244, less the amount of federal income taxes attributable to the net allocable income and net apportionable income derived from sources in this state. The amount of federal income taxes to be so deducted shall be that portion of the total federal income tax which is levied with respect to the particular income derived from sources in this state to be computed in accordance with rules and regulations of the collector of revenue. Proper adjustment shall be made for the actual tax rates applying to different classes of income and for all differences in the computation of net income for purposes of federal income taxation as compared to the computation of net income under this Chapter. Where the allocation of the tax is to be based on a ratio of the amount of net income of a particular class, both the numerator and the denominator of the fraction used in determining the ratio shall be computed on the basis that such net income is determined for federal income tax purposes.

\* \* \*

#### §293. Definitions

The following definitions shall apply throughout this Part, unless the context requires otherwise:

\* \* \*

(3) "Excess federal itemized personal deductions" for the purposes of this Part, means the following percentages one hundred percent of the amount by which the federal itemized personal deductions exceed deduction for expenses for medical care used by the taxpayer in the calculation of federal taxable income exceeds the amount of the federal standard deductions which deduction that is designated for the filing status used for the taxable period on the individual income tax return required to be filed. For purposes of this Paragraph, the term "expenses for medical care" has the meaning given the term in Section 213(d) of the Internal Revenue Code and is subject to all applicable federal limitations.

(a) ~~For tax years beginning during calendar year 2007, fifty-seven and one half percent of such excess federal itemized personal deductions.~~

(b) ~~For tax years beginning during calendar year 2008, sixty-five percent of such excess federal itemized personal deductions.~~

(c) ~~For all tax years beginning on and after January 1, 2009, one hundred percent of such excess federal itemized personal deductions.~~

\* \* \*

(10) "Tax table income", for nonresident individuals, means the amount of Louisiana income, as provided in this Part, allocated and apportioned under the provisions of R.S. 47:241 through 247, plus the total amount of the personal exemptions and deductions already included in the tax tables promulgated by the secretary under authority of R.S. 47:295, less the proportionate amount of the federal income tax liability, excess federal itemized personal deductions, the temporary teacher deduction, the recreation volunteer and volunteer firefighter deduction, the construction code retrofitting deduction, any gratuitous grant, loan, or other benefit directly or indirectly provided to a taxpayer by a hurricane recovery entity if such benefit was included in federal adjusted gross income, the exclusion provided for in R.S. 47:297.3 for S Bank shareholders, the deduction for expenses disallowed by 26 U.S.C. 280C, salaries, wages or other compensation received for disaster or emergency-related work rendered during a declared state disaster or emergency, the deduction for net capital gains, the pass-through entity exclusion provided in R.S. 47:297.14, and personal exemptions and deductions provided for in R.S. 47:294. The proportionate amount is to be determined by the ratio of Louisiana income to federal adjusted gross income. When federal adjusted gross income is less than Louisiana income, the ratio shall be one hundred percent.

\* \* \*

#### §295. Tax imposed on individuals; administration

\* \* \*

B. The secretary shall establish tax tables that calculate the tax owed by taxpayers based upon where their taxable income falls within a range that shall not exceed two hundred fifty dollars. The secretary shall provide in the tax tables that the combined personal exemption, standard deduction, and other exemption deductions in R.S. 47:294 shall be deducted from the ~~two percent lowest~~ bracket. If such ~~the~~ combined exemptions and deductions exceed the ~~two percent lowest~~ bracket, the excess shall be deducted from the ~~four percent next lowest~~ bracket. If such ~~the~~ combined exemptions and deductions exceed the ~~two and four percent two lowest~~ brackets, the excess shall be deducted from the ~~six percent next lowest~~ bracket.

\* \* \*

#### §300.1. Tax imposed

There is imposed an income tax for each taxable year upon the Louisiana taxable income of every estate or trust, whether resident or nonresident. The tax to be assessed, levied, collected, and paid upon the Louisiana taxable income of an estate or trust shall be computed at the following rates:

(1) ~~Two One and eighty-five hundredths~~ percent on the first ten thousand dollars of Louisiana taxable income.

(2) ~~Four Three and one-half~~ percent on the next forty thousand dollars of Louisiana taxable income.

(3) ~~Six Four and twenty-five one hundredths~~ percent on Louisiana taxable income in excess of fifty thousand dollars.

\* \* \*

#### §300.6. Louisiana taxable income of resident estate or trust

A. Definition. "Louisiana taxable income" of a resident estate or trust means the taxable income of the estate or trust determined in accordance

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

with federal law for the same taxable year, as specifically modified by the provisions contained in Subsection B of this Section, ~~less a federal income tax deduction to be computed following the provisions of R.S. 47:287.83 and 287.85.~~

\* \* \*

§300.7. Louisiana taxable income of nonresident estate or trust  
A. Definition. “Louisiana taxable income” of a nonresident estate or trust means such portion of the taxable income of the nonresident estate or trust determined in accordance with federal law for the same taxable year, as specifically modified by the provisions contained in Subsection C of this Section, that was earned within or derived from sources within this state; ~~less a federal income tax deduction to be computed following the provisions of R.S. 47:287.83 and 287.85.~~

\* \* \*

Section 2. R.S. 47:293(4) and (9)(a)(ii), 296.1(B)(3)(c), and 298 are hereby repealed in their entirety.

Section 3. The provisions of this Act shall be applicable to taxable periods beginning on or after January 1, 2022.

Section 4. This Act shall take effect and become operative on January 1, 2022, if the proposed amendment of Article VII of the Constitution of Louisiana contained in the Act which originated as House Bill No. 274 of this 2021 Regular Session of the Legislature or the Act which originated as Senate Bill No.159 of this 2021 Regular Session of this Legislature is adopted at a statewide election and becomes effective and if both of the Acts that originated as House Bill No. 292 and Senate Bill No. 161 of this 2021 Regular Session of the Legislature are enacted and become law.

Approved by the Governor, June 16, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 396**

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**HOUSE BILL NO. 292  
BY REPRESENTATIVE RISER  
AN ACT**

To amend and reenact R.S. 47:32(C), 241, 287.12, 287.69, 287.442(B), and 287.732.2(B) and to repeal R.S. 47:55(5), 287.79, 287.83, 287.85, and 287.732.2(C), relative to corporation income tax; to provide relative to the deductibility of federal income taxes; to repeal deductibility of federal income taxes paid for purposes of calculating corporate income taxes; to decrease the number of tax brackets applicable to corporation income tax; to lower the rates of corporation income tax; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:32(C), 241, 287.12, 287.69, 287.442(B), and 287.732.2(B) are hereby amended and reenacted to read as follows:

§32. Rates of tax

\* \* \*

C. On corporations. The tax to be assessed, levied, collected, and paid upon the net taxable income of every corporation shall be computed at the rate of rates provided for in R.S. 47:287.12.

~~(1) Four percentum upon the first twenty-five thousand dollars of net income.~~

~~(2) Five percentum upon the amount of net income above twenty-five thousand dollars but not in excess of fifty thousand dollars.~~

~~(3) Six percentum on the amount of net income above fifty thousand dollars but not in excess of one hundred thousand dollars.~~

~~(4) Seven percentum on the amount of net income above one hundred thousand dollars but not in excess of two hundred thousand dollars.~~  
~~(5) Eight percentum on all net income in excess of two hundred thousand dollars.~~

\* \* \*

§241. Net income subject to tax

The net income of a nonresident individual or a corporation subject to the tax imposed by this Chapter shall be the sum of the net allocable income earned within or derived from sources within this state, as defined in R.S. 47:243, and the net apportionable income derived from sources in this state, as defined in R.S. 47:244, ~~less the amount of federal income taxes attributable to the net allocable income and net apportionable income derived from sources in this state. The amount of federal income taxes to be so deducted shall be that portion of the total federal income tax which is levied with respect to the particular income derived from sources in this state to be computed in accordance with rules and regulations of the collector of revenue. Proper adjustment shall be made for the actual tax rates applying to different classes of income and for all differences in the computation of net income for purposes of federal income taxation as compared to the computation of net income under this Chapter. Where the allocation of the tax is to be based on a ratio of the amount of net income of a particular class, both the numerator and the denominator of the fraction used in determining the ratio shall be computed on the basis that such net income is determined for federal income tax purposes.~~

\* \* \*

§287.12. Rates of tax

The tax to be assessed, levied, collected, and paid upon the Louisiana taxable income of every corporation shall be computed at the rate of:

~~(1) Four Three and one-half percent upon the first twenty-five fifty thousand dollars of Louisiana taxable income.~~

~~(2) Five percent upon the amount of Louisiana taxable income above twenty-five thousand dollars but not in excess of fifty thousand dollars.~~

~~(3) Six Five and one-half percent on the amount of Louisiana taxable income above fifty thousand dollars but not in excess of one hundred fifty thousand dollars.~~

~~(4)(3) Seven and one-half percent on the amount of Louisiana taxable income above one hundred fifty thousand dollars but not in excess of two hundred thousand dollars.~~

~~(5) Eight percent on all Louisiana taxable income in excess of two hundred thousand dollars.~~

\* \* \*

§287.69. Louisiana taxable income defined  
“Louisiana taxable income” means Louisiana net income; after adjustments; ~~less the federal income tax deduction allowed by R.S. 47:287.85.~~ “After adjustments” means after the application of the net operating loss adjustment allowed by R.S. 47:287.86.

\* \* \*

§287.442. Exceptions to taxable year of inclusion; taxable year deductions taken

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B. Period for which deductions and credits shall be taken.  
(1) ~~The taxable year in which to claim the federal income tax deduction allowed by R.S. 47:287.85 shall be determined as follows, regardless of the method of accounting regularly employed by the taxpayer:~~

~~(a) The federal income tax deduction may be claimed for the same taxable year in which the federal income tax sought to be deducted is incurred, provided the taxpayer files a federal income tax return for such taxable year or is included with affiliates in a consolidated federal income tax return for such taxable year.~~

~~(b)(i)(a)~~ Taxable year for adjustments to taxpayer’s federal income tax return. Except as otherwise provided in this ~~Subparagraph~~ Paragraph, adjustments affecting federal taxable income which are made to the taxpayer’s income tax return subsequent to filing, whether made because of a deficiency proposed by the government, a court order, an amended return, or other appropriate instrument or act, showing an overpayment or a deficiency shall be taken into account for purposes of this Part in the period for which the return was filed, unless the prescriptive period for the collection of tax or the refund or credit of overpayments, as the case may be, has expired. If the applicable prescriptive period has expired, the additional tax paid by the taxpayer in the case of an underpayment or the refund or credit received by the taxpayer in the case of an overpayment shall be for the taxable year such tax was paid, such refund was received, or such credit was allowed, as the case may be.

~~(ii)(b)~~ When a federal refund results from transactions or conditions which arise after the close of the taxable year for which the refund is made, such federal refund shall be taken into account, for purposes of this Part, for the taxable year in which arose the transactions or conditions causing the refund.

~~(e)(2)~~ Taking federal adjustments into account. A payment of additional federal tax upon income which has borne Louisiana tax shall be taken into account by decreasing taxable income. That portion, if any, of such additional federal tax payment which would be disallowed as a deduction under either R.S. 47:287.81 or R.S. 47:287.83 shall be excluded from such adjustment. Refunds or credits of federal overpayments, including refunds or credits created by the carryback of a federal net operating loss, shall be taken into account by increasing Louisiana net income or decreasing the Louisiana net loss, as the case may be. That portion, if any, of the federal refund or credit of an overpayment which has not previously been charged against or deducted from Louisiana net income shall be excluded from such adjustment.

~~(d)(3)~~ Adjustments made to the Louisiana return. Adjustments to a return filed pursuant to this Part, whether initiated by the secretary or the taxpayer, shall be taken into account in the taxable year for which the return was filed in accordance with rules, regulations, or forms prescribed by the secretary.

~~(2)(4)~~ If a deduction is claimed and allowed in any period, the same deduction cannot again be claimed in a subsequent period in which it otherwise would be properly deductible, unless the taxpayer, prior to the running of prescription with respect to the first period, shall have amended his return for that period so as to eliminate the deduction and shall have paid any additional tax which may be due as a result thereof, together with any interest and penalties that may be applicable thereto.

\* \* \*

§287.732.2. Election for S corporations and other flow-through entities

\* \* \*

B. Notwithstanding any provision of law to the contrary, the tax on the Louisiana taxable income of every entity that makes the election pursuant to this Section shall be computed at the rates of:

(1) ~~Two One and eighty-five one hundredths~~ percent upon the first twenty-five thousand dollars of Louisiana taxable income.

(2) ~~Four Three and one-half~~ percent upon the amount of Louisiana taxable income above twenty-five thousand dollars but not in excess of one hundred thousand dollars.

(3) ~~Six Four and one-quarter~~ percent upon the amount of Louisiana taxable income above one hundred thousand dollars.

~~C. An entity that has made the election provided in this Section shall be allowed a deduction in an amount equal to the federal income tax the entity would have paid on its Louisiana net income for the taxable year if the entity~~



~~had been required to file an income tax return with the Internal Revenue Service as a C corporation for the current and all prior taxable years, in accordance with federal law.~~

\* \* \*

Section 2. R.S. 47:55(5), 287.79, 287.83, 287.85, and 287.732.2(C) are hereby repealed in their entirety.

Section 3. The provisions of this Act shall be applicable for taxable periods beginning on or after January 1, 2022.

Section 4. This Act shall take effect and become operative on January 1, 2022, if the proposed amendment of Article VII of the Constitution of Louisiana contained in the Act which originated as House Bill No. 275 of this 2021 Regular Session of the Legislature or the Act which originated as Senate Bill No. 159 of this 2021 Regular Session of this Legislature is adopted at a statewide election and becomes effective and if both of the Acts that originated as House Bill No. 278 and Senate Bill No. 161 of this 2021 Regular Session of the Legislature are enacted and become law.

Approved by the Governor, June 16, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 397**

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**HOUSE BILL NO. 329  
BY REPRESENTATIVES HARRIS AND NEWELL  
AN ACT**

To amend and reenact R.S. 18:563(B), relative to voting procedure; to provide for the presence of children while voting; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:563(B) is hereby amended and reenacted to read as follows: §563. Procedure for voting

\* \* \*

B. A ~~pre-teen child~~ minor may accompany his parent or legal guardian into the voting machine.

\* \* \*

Section 2. This Act shall become effective on January 1, 2022.

Approved by the Governor, June 16, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 398**

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**HOUSE BILL NO. 335  
BY REPRESENTATIVE COUSSAN  
AN ACT**

To authorize and provide for the transfer of certain public property; to authorize the exchange of certain public property in Lafayette Parish; to authorize the transfer of certain public property in Lafourche Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The Board of Supervisors for the University of Louisiana System, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the board of supervisors may have to all or any portion of the following described parcel of property to the City of Lafayette for the property described in Section 2 of this Act:

That certain tract or parcel of ground, together with all buildings and improvements thereon and thereunto belonging, situated in Section 68, Township 9 South, Range 4 East, City and Parish of Lafayette, Louisiana, containing 2.10 acres, more or less, and having an approximate frontage of 447 feet on Cajundome Blvd., by a depth along the northwesterly boundary of approximately 181 feet, a depth along the northerly boundary of approximately 152 feet, and a southerly boundary of approximately 59 feet, bounded westerly by Cajundome Blvd., northerly, northwesterly and southerly by other property of the Board of Supervisors for the University of Louisiana System, and easterly by the center line of the Coulee, all as more particularly shown on that sketch attached hereto and made a part hereof as Exhibit “A”.

Section 2. In exchange for the above described property in Section 1, the Board of Supervisors for the University of Louisiana System, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to accept, in addition to any other consideration, delivery of title to all or any portion of the following described parcels of property from the City of Lafayette:

That certain tract or parcel of ground, together with all buildings and improvements thereon, situated in Section 48, Township 10 South, Range 4 East, City and Parish of Lafayette, Louisiana, and being more particularly known as the City of Lafayette Fire Station No. 5, and being that said tract or parcel of ground situated between the letters A, B, C, D, N, O, P, and A, and having further measurements and boundaries, dimension, shape, form,

and location as is more fully shown on that Plat of Survey prepared by Craig P. Spikes, RLS No. 4580, dated July 25, 2012, attached to act recorded under Entry No. 2012-29757 of the records of the Lafayette Parish Clerk of Court’s Office.

Section 3. The Board of Supervisors for the University of Louisiana System and the governing authority for the City of Lafayette are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Sections 1 and 2 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the Board of Supervisors for the University of Louisiana System and the City of Lafayette, in exchange of consideration proportionate to the appraised value of the property.

Section 4. The Board of Supervisors for the University of Louisiana System, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the Thibodaux Regional Health System:

One (1) certain tract or parcel of land, and all of the rights of ways, servitudes, privileges and advantages thereunto belonging or in anywise appertaining, situated in Sections 31, 32, 33, & 34, Township 15 South, Range 16 East, City of Thibodaux, Lafourche Parish Louisiana on a map prepared by prepared by David A. Waitz, Engineering and Surveying, dated October 9, 2002, and being more particularly described as follows:

Commencing at a point being the intersection of the Westernmost right-of-way line of Bowie Road and the Southernmost property corner of Nicholls State University Campus, Said point being “THE POINT OF BEGINNING.”

Thence, North 62°38’13” West a distance of 768.18’ to a point

Thence, North 27°18’28” East a distance of 300.17’ to a point;

Thence, South 62°42’33” East a distance of 761.13’ to a point;

Thence, South 25°57’59” West a distance 301.22’ back to “THE POINT OF BEGINNING.”

Section 5. The Board of Supervisors for the University of Louisiana System is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 4 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the Board of Supervisors for the University of Louisiana System and the Thibodaux Regional Health System, in exchange of consideration proportionate to the appraised value of the property.

Section 6. The Board of Supervisors for the University of Louisiana System, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the board of supervisors may have to all or any portion of the following described parcel of property to the Society of the Roman Catholic Church of the Diocese of Lafayette for the property described in Section 7 of this Act:

That certain tract of land containing 1.50 acres +/-0.1 acres, more or less, situated in Section 66, Township 9 South, Range 4 East, City and Parish of Lafayette, Louisiana, being known and designated as Tract A as shown on an Exhibit by Ronkartz-Oestrieche, APEC dated May 26, 2021. Tract A is located on the campus of the University of Louisiana at Lafayette at the Northwestern corner of the intersection of East Saint Mary Boulevard and Girard Park Circle. Commencing at the Northwestern corner of the intersection, thence heading in a Westerly direction approximately 471 feet along the apparent Northern Right of Way line of Girard Park Circle to a driveway, thence heading in a Northerly direction approximately 89 feet along the driveway to a point, thence heading in a Easterly direction approximately 485 feet to the apparent Western Right of Way of East Saint Mary Boulevard, then heading in a Southerly direction 149 feet along the apparent Western Right of Way of East Saint Mary Boulevard to the Northwestern corner of the intersection of East Saint Mary Boulevard and Girard Park Circle.

Section 7. In exchange for the above described properties in Section 6, the Board of Supervisors for the University of Louisiana System, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to accept, in addition to any other consideration, delivery of title to all or any portion of the following described parcels of property from the Society of the Roman Catholic Church of the Diocese of Lafayette:

That certain tract of land, together with all improvements thereon, located in Sections 64 and 66, Township 9 South, Range 4 East, City and Parish of Lafayette, Louisiana, and more specifically being that certain tract of land, together with all buildings and improvements thereon and thereunto belonging, situated at the intersection of St. Mary Street and St. Landry Street in the City of Lafayette, Louisiana, containing approximately 5.66 acres, and approximately 246,710 square feet; said properties bounded northerly by St. Mary Street; westerly by St. Landry Street; easterly by Dunreath Street and southerly by a coulee known as St. John Coulee; all as more fully and accurately shown by plat of survey prepared by Sellers, Dubroc and Associates, Inc., and Gerald A. Dubroc, a copy of which is attached hereto and made a part hereof.

Section 8. The Board of Supervisors for the University of Louisiana System and the Society of the Roman Catholic Church of the Diocese of Lafayette are hereby authorized to enter into such agreements, covenants, conditions,

and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Sections 6 and 7 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the Board of Supervisors for the University of Louisiana System and the Society of the Roman Catholic Church of the Diocese of Lafayette, in exchange of consideration proportionate to the appraised value of the property.

Section 9. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 16, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 399**

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**HOUSE BILL NO. 398  
BY REPRESENTATIVE BUTLER  
AN ACT**

To enact R.S. 49:260, relative to the attorney general; to provide for a purpose; to provide for regulatory review; to provide for participation in the occupational licensing review program; to provide for submissions; to provide for decision-making by the Department of Justice; to provide for discipline; to create a special fund in the state treasury; to provide for monies in the special fund; to provide for appropriations; to provide for investments; to provide for deposits; to provide for definitions; to provide for promulgation of rules; to provide for certification; to provide for exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:260 is hereby enacted to read as follows:

§260. Department of Justice Occupational Licensing Review Program  
A. It is the policy of the state that where the state finds it necessary to displace competition, occupational licensing boards shall use the least restrictive regulation to protect the public from present, significant, and substantiated harms that threaten public health, safety, or welfare. Active state supervision of occupational regulatory actions is a method of ensuring adherence to this clearly articulated state policy. By establishing this program, the state intends to ensure that participating boards and board members will avoid liability under federal antitrust laws.

B. In addition to any other powers, duties, or authority granted to the attorney general and the Department of Justice by the constitution and laws of this state, the attorney general shall have the authority to enter into an agreement to provide active supervision of proposed occupational regulations and proposed anti-competitive disciplinary actions of a state occupational licensing board. Such active supervision shall be performed in accordance with this Section and the terms of the written agreement between the occupational licensing board and the Department of Justice. Participating licensing boards shall pay to the Department of Justice annually the amount set forth in the agreement. The dollar amount set forth in the agreement shall be equal to or less than the number of licensees multiplied by ten.

C. Participation in the Department of Justice Occupational Licensing Review Program established in this Section is voluntary and optional. An occupational licensing board that chooses to participate in the program established in this Section is not required to comply with the requirements of the Occupational Board Compliance Act, R.S. 37:41, et seq.

D.(1) Prior to submitting a notice of final regulation to the proper legislative oversight committees, the occupational licensing board shall submit any occupational regulation it seeks to promulgate, together with a report of any public comments received, agency response to comments, and the statement of proposed fiscal impact, to the Department of Justice.

(2) The Department of Justice shall review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy pursuant to this Section and may also consider any other applicable law.

(3) Following the review, the Department of Justice shall do one of the following:

(a) Approve the proposed occupational regulation and authorize the occupational licensing board to proceed with promulgation.

(b) Disapprove the proposed occupational regulation and require the occupational licensing board to revise and resubmit the occupational regulation for approval.

(4) The decision by the Department of Justice shall be communicated in writing with an explanation of the basis for the decision.

(5) Compliance with this Subsection shall not be required for emergency rules adopted pursuant to the Administrative Procedure Act, but emergency rules shall not be used to circumvent active supervision of proposed occupational regulations. Nothing in this Subsection shall prevent the occupational licensing board from electing to submit an emergency rule that meets the definition of occupational regulation for review.

E.(1) Prior to taking an anti-competitive disciplinary action, the

occupational licensing board shall submit the proposed action and supporting documentation to the Department of Justice.

(2) The Department of Justice shall review the substance of the proposed disciplinary action to ensure compliance with clearly articulated state policy pursuant to this Section and may also consider any other applicable law.

(3) Following the review, the Department of Justice shall do any of the following:

(a) Determine that the proposed disciplinary action does not implicate any market competition interests.

(b) Approve the proposed disciplinary action as a proper exercise of state regulatory action in accordance with clearly articulated state policy, notwithstanding possible impact on market competition, and authorize the occupational licensing board to proceed with imposing the disciplinary action.

(c) Disapprove of the proposed disciplinary action and decline to authorize its imposition.

(4) The decision by the Department of Justice shall be communicated in writing with an explanation of the basis of the decision. This written explanation shall be considered confidential until the disciplinary action has become a final determination of the board.

(5) All records, writings, accounts, letters, exhibits, data, pictures, drawings, charts, reports, or photographs shall be considered to be in the custody and control of the occupational licensing board, and all exemptions contained in R.S. 44:1, et seq., or any other provision of law shall continue to apply.

F.(1) There is hereby established in the state treasury a special fund to be known as the Department of Justice Occupational Licensing Review Program Fund, hereafter referred to in this Section as “the fund”.

(2) Notwithstanding any provision of law to the contrary, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount into the fund equal to the amount of monies received by the attorney general from participating occupational licensing boards as compensation for the regulatory review activities undertaken pursuant to this Subsection.

(3) Monies in the fund shall be subject to annual appropriation to the Department of Justice solely for the support of occupational licensing board regulatory review activities and general operating expenses. Monies so appropriated shall be used to supplement the department’s budget and shall not be used to displace, replace, or supplant appropriations from the state general fund for operations of the department below the level of state general fund appropriation for the foregoing year.

(4) All unencumbered and unexpended monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be invested by the treasurer in the same manner as those in the state general fund, and any interest earned on such investment shall be deposited in and credited to the fund.

G. For the purposes of this Section:

(1) “Active market participant” means an individual or entity that is any of the following:

(a) Licensed by the occupational licensing board to which they are appointed, including subspecialties licensed by that board.

(b) A provider of any service subject to the regulatory authority of that occupational licensing board.

(2) “Active supervision” shall include all of the following duties and powers:

(a) Independent review and evaluation of the substance of the proposed occupational regulation or the proposed anti-competitive disciplinary action, not merely the procedures followed to produce it.

(b) The ability to approve, reverse, veto, or modify a proposed occupational regulation or proposed anti-competitive disciplinary action to ensure it complies with state policy rather than merely a party’s individual interests.

(c) The ability to obtain the information necessary to perform a proper evaluation of the occupational board’s proposed occupational regulation or the proposed anti-competitive disciplinary action.

(d) A written decision outlining the reasons and rationale for approving, reversing, vetoing, or modifying the recommended action.

(3) “Occupational licensing board” means any state executive branch board, commission, department, or other agency that is all of the following:

(a) Regulating the entry of persons into, or regulating the conduct of persons within, a particular profession or occupation.

(b) Authorized to issue or revoke occupational licenses or registrations.

(c) Controlled by active market participants.

(4) “Occupational regulation” means a rule as defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a parish, municipality, or a board not composed of a controlling number of active market participants is excluded.

H. The Department of Justice is authorized to promulgate rules and procedures as necessary to implement the program established by this Section.

I. Nothing in this Section is intended to restrict an occupational licensing board from requiring, as a condition of licensure or renewal of licensure, that an individual’s personal qualifications include obtaining or maintaining certification from a private organization that credentials individuals in the relevant occupation.



J. The provisions of this Section shall not apply to the regulation of the practice of law.  
Approved by the Governor, June 16, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 400**

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HOUSE BILL NO. 421  
BY REPRESENTATIVE EMERSON  
AN ACT

To enact R.S. 17:3996(B)(59) and Chapter 43-B of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4036.1, relative to elementary and secondary education; to authorize public school governing authorities to establish student learning pods for the purpose of providing small group instruction; to provide that students assigned to learning pods shall be enrolled in the school; to require instruction in learning pods to be provided by public school teachers; to provide relative to funding; to provide relative to policies and procedures; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3996(B)(59) and Chapter 43-B of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4036.1, are hereby enacted to read as follows:

§3996. Charter schools; exemptions; requirements

\* \* \*

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

\* \* \*

(59) Learning pods (R.S. 17:4036.1).

\* \* \*

**CHAPTER 43-B. LEARNING PODS**

**§4036.1. Learning pods**

A. Each public school governing authority may establish learning pods as an extension of any school under its jurisdiction. For purposes of this Chapter, "learning pod" means a group of at least ten students enrolled in the school who receive instruction in a small group setting.

B. A student shall be assigned to a learning pod only if the assignment is requested by his parent or authorized by his parent upon the recommendation of school officials.

C. All instruction provided to students assigned to learning pods shall be provided by teachers on the staff of the school who meet all qualifications and are subject to all requirements applicable to teachers at the school who are not assigned to a learning pod.

D. Students assigned to a learning pod shall be:

(1) Counted among the enrollment of the public school governing authority for purposes of full funding through the Minimum Foundation Program formula.

(2) Subject to all requirements applicable to students enrolled in the school who are not assigned to a learning pod.

(3) Eligible for participation in all services and activities for which they would be eligible if not assigned to a learning pod.

E. The establishment of learning pods shall be subject to policies and procedures adopted by a public school governing authority, which, at a minimum, shall provide for the following:

(1) The student population of the learning pod, which may be a blended population of students of different grade levels.

(2) The method of instruction for the learning pod, which may occur in-person at a physical location on the school campus, remotely through virtual instruction, or through a hybrid approach that combines both methods.

(3) Any specialized curriculum or program provided in the learning pod.

(4) The process for a parent to request student assignment to a learning pod, grant authorization for a student's assignment to a learning pod if recommended by school officials, and withdraw a student from a learning pod.

F. This Chapter does not apply to or have any effect on any learning pod or other group of students that is formed and operated by parents, regardless of whether they are enrolled in a public school or a nonpublic school or participating in a home study program.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 16, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 401**

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HOUSE BILL NO. 445  
BY REPRESENTATIVES BOURRIQUE AND WHITE  
AN ACT

To amend and reenact R.S. 47:6023(C)(2), (D)(2)(c)(iii), and (E) and to repeal R.S. 47:6023(C)(5), relative to the sound recording investor tax credit; to eliminate certain restrictions regarding the reduction of a taxpayer's tax liability; to authorize the payment of refunds under certain circumstances; to provide for certain deposits; to provide for certain requirements and limitations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6023(C)(2), (D)(2)(c)(iii), and (E) are hereby amended and reenacted to read as follows:

§6023. Sound recording investor tax credit

\* \* \*

C. Investor tax credit; state-certified productions.

\* \* \*

(2) Sound recording investor tax credits associated with a state-certified production or tax credits for a Qualified Music Company shall never exceed the total base investment in that production or sound recording infrastructure project.

\* \* \*

D. Certification and administration.

\* \* \*

(2)

\* \* \*

(c)

\* \* \*

(iii) At the time of application, the applicant shall ~~may be required to~~ submit a deposit in an amount equal up to fifty percent of the expenditure verification report fee required pursuant to the provisions of Item (ii) of this Subparagraph.

\* \* \*

E. Tax credit certification letter for Qualified Music Company credit and project-based production tax credit. (1) After certification, the Louisiana Department of Economic Development shall submit the tax credit certification letter to the Department of Revenue on behalf of the QMC or the investor who earned the sound recording tax credits. The Department of Revenue may require the QMC or the investor to submit additional information as may be necessary to administer the provisions of this Section. Upon receipt of the tax credit certification letter and any necessary additional information, the secretary of the Department of Revenue shall make payment to the QMC or the investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of this Title, as amended.

(2) The provisions of this Subsection shall be applicable to Qualified Music Companies with applications received on or after July 1, 2021. Qualified Music Companies with applications received prior to July 1, 2021 shall continue to be applied and carried forward pursuant to the provisions of Subparagraph (C)(4)(b) of this Section.

\* \* \*

Section 2. R.S. 47:6023(C)(5) is hereby repealed in its entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 16, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 402**

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HOUSE BILL NO. 457  
BY REPRESENTATIVE FIRMENT  
AN ACT

To enact R.S. 22:1674.1 and to repeal R.S. 22:1674, relative to insurance claims adjusters; to provide for the standards of conduct for claims adjusters; to require newly licensed claims adjusters and claims adjusters renewing their license to read and acknowledge the claims adjuster standards of conduct; to provide for penalties for violation of the standards of conduct; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1674.1 is hereby enacted to read as follows:

§1674.1. Standards of conduct; acknowledgment required

A. The following standards of conduct shall be binding on all claims adjusters:

(1) An adjuster shall not have a direct or indirect financial interest in any aspect of the claim, other than the salary, fee, or other consideration

established with the insurer.  
(2) An adjuster shall not acquire any interest in salvage of property subject to the contract with the insurer.

(3) An adjuster shall not solicit employment for, recommend, or otherwise solicit engagement, directly or indirectly, for any attorney at law, contractor, or subcontractor, in connection with any loss or damage for which the adjuster is employed or concerned.

(4) An adjuster shall not solicit or accept any compensation, directly or indirectly, from, by, or on behalf of any contractor or subcontractor engaged by or on behalf of any insured by which such adjuster has been, is, or will be employed or compensated, directly or indirectly.

(5) An adjuster shall treat all claimants fairly.

(6) An adjuster shall not provide favored treatment to any claimant.

(7) An adjuster shall adjust all claims strictly in accordance with the insurance contract.

(8) An adjuster shall not approach investigations, adjustments, and settlements in a manner prejudicial to the insured.

(9) An adjuster shall make truthful and unbiased reports of the facts after completing a thorough investigation.

(10) An adjuster shall handle every adjustment and settlement with honesty and integrity, without any remuneration to himself except that to which he is legally entitled.

(11) An adjuster, upon undertaking the handling of a claim, shall act with dispatch and due diligence in achieving a proper disposition of the claim.

(12) An adjuster shall promptly report to the department any conduct by any licensed insurance representative of this state which violates any provision of this Title or department rule.

(13) An adjuster shall exercise appropriate care when dealing with elderly claimants.

(14) An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if the adjuster has knowledge of such representation, except with the consent of the attorney. For purposes of this Paragraph, the term "third-party claimant" does not include the insured or the insured's resident relatives.

(15) An adjuster may interview any witness, or prospective witness, without the consent of opposing counsel or party. In doing so, however, the adjuster shall scrupulously avoid any suggestion calculated to induce a witness to suppress or deviate from the truth, or in any degree affect the witness's appearance or testimony during deposition or at the trial. If any witness making or giving a signed or recorded statement so requests, the witness shall be given a copy of the statement.

(16) An adjuster shall not advise a claimant to refrain from seeking legal advice, nor advise against the retention of counsel to protect the claimant's interest.

(17) An adjuster shall not knowingly make any oral or written misrepresentation or statement in regards to applicable policy provisions, contract conditions, or pertinent state laws.

(18) An adjuster shall not undertake the adjustment of any claim for which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster's current expertise.

(19) An adjuster shall not permit an unlicensed employee or representative of the adjuster to conduct business for which a license is required pursuant to the provisions of this Part.

(20) No adjuster, while so licensed by the department, may represent or act as a public adjuster.

(21) No adjuster shall materially misrepresent to an insured or other interested party the terms and coverage of an insurance contract with intent and for the purpose of effecting settlement of a claim for loss or damage or benefit under such contract on less favorable terms than those provided in and contemplated by the insurance contract.

B. Upon license issuance and license renewal, claims adjusters shall read and acknowledge the claims adjuster standards of conduct provided in this Section, in a manner prescribed by the commissioner.

C. Violation of any provision of Subsection A of this Section shall be grounds for administrative action against the licensee. In addition to administrative action, a claims adjuster who violates the provisions in Subsection A of this Section shall be deemed to have committed an unfair trade practice pursuant to R.S. 22:1964, and the penalties contained in R.S. 22:1969 may be enforced by the commissioner.

D. This Section does not create any civil action or create any cause of action not otherwise provided by law.

Section 2. R.S. 22:1674 is hereby repealed in its entirety.

Approved by the Governor, June 16, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 403

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HOUSE BILL NO. 473  
BY REPRESENTATIVE MINCEY  
AN ACT

To amend and reenact R.S. 14:91.6(A) and 91.8(C), (D), (E), and (F)(1) and (2) (introductory paragraph), R.S. 26:793(C)(1), 910, 910.1(A), 911(A)(1), and

917(A)(introductory paragraph), and R.S. 47:851(C)(2), and to enact R.S. 26:901.1, relative to tobacco products; to provide relative to alternative nicotine products and vapor products; to provide relative to the unlawful distribution, sale, and possession; to raise the minimum age of persons for sale, purchase, and possession; to provide for legislative facts and findings; to require unannounced compliance checks; to require identification under certain circumstances; to provide relative to vending machines and self-service displays; to provide for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:91.6(A) and 91.8(C), (D), (E), and (F)(1) and (2)(introductory paragraph) are hereby amended and reenacted to read as follows:

§91.6. Unlawful distribution of sample tobacco products, alternative nicotine products, or vapor products to persons under age ~~eighteen~~ twenty-one; penalty

A. No person shall distribute or cause to be distributed to persons under ~~eighteen~~ twenty-one years of age a promotional sample of any tobacco product, alternative nicotine product, or vapor product.

\* \* \*

§91.8. Unlawful sale, purchase, or possession of tobacco, alternative nicotine ~~product~~ products, or vapor ~~product~~ products; signs required; penalties

\* \* \*

C. It is unlawful for any manufacturer, distributor, retailer, or other person ~~knowingly~~ to sell or distribute any tobacco product, alternative nicotine product, or vapor product to a person under the age of ~~eighteen~~ twenty-one. However, it shall not be unlawful for a person under the age of ~~eighteen~~ twenty-one to accept receipt of a tobacco product, alternative nicotine product, or vapor product from an employer when required in the performance of such person's duties. At the point of ~~purchase~~ sale, a sign, in not less than 30-point type, shall be displayed in a manner conspicuous to both employees and consumers, within any location where tobacco products, alternative nicotine products, vapor products, or vapor paraphernalia and devices are available for purchase, that reads "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS, OR VAPOR PARAPHERNALIA AND DEVICES TO PERSONS UNDER AGE 18 21". The sign shall also include a notice that displays the telephone number for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as determined by the ~~state department of health~~ Louisiana Department of Health.

D. It is unlawful for a vending machine operator to place in use a vending machine to vend any tobacco product, alternative nicotine product, or vapor product automatically, unless the machine displays a sign or sticker in not less than 22-point type on the front of the machine stating, "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE ~~18 21~~". The sign shall also include a notice that displays the telephone number for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as determined by the ~~state department of health~~ Louisiana Department of Health.

E. It is unlawful for any person under the age of ~~eighteen~~ twenty-one to buy be sold any tobacco product, alternative nicotine product, or vapor product.

F.(1) It is unlawful for any person under the age of ~~eighteen~~ twenty-one to possess any tobacco product, alternative nicotine product, or vapor product.

(2) However, it shall not be unlawful for a person under the age of ~~eighteen~~ twenty-one to possess a tobacco product, alternative nicotine product, or vapor product under any of the following circumstances:

\* \* \*

Section 2. R.S. 26:793(C)(1), 910, 910.1(A), 911(A)(1), and 917(A)(introductory paragraph) are hereby amended and reenacted and R.S. 26:901.1 is hereby enacted to read as follows:

§793. Additional powers of the commissioner

\* \* \*

C.(1) In order to ensure compliance with laws prohibiting the sale or service of alcoholic beverages, tobacco, alternative nicotine, or vapor products to underage persons, the commissioner shall at least once annually conduct random, unannounced inspections at locations where alcoholic beverages, tobacco, or alternative nicotine, or vapor products are sold, served, or distributed. Persons ~~under~~ over the age of ~~eighteen~~ or sixteen and under the age of twenty-one ~~may~~ shall be enlisted by employees of the office of alcohol and tobacco control to test compliance, but such persons may be used only if the testing is conducted under the direct supervision of such employees and written parental consent has been provided if the person is under the age of eighteen. Any person under the age of eighteen or twenty-one shall either carry the person's own identification showing the person's correct date of birth or shall carry no identification. A person under the age of ~~eighteen~~ or twenty-one who carries identification shall, on request, present it to any seller or server of alcoholic beverages, tobacco, or alternative nicotine or vapor products. In addition, any person under the age of ~~eighteen~~ or twenty-one enlisted under this Subsection shall truthfully answer any questions about the person's age. Except where expressly authorized in writing by the commissioner in furtherance of the objectives of this Section, any other use of persons under the age of ~~eighteen~~ or twenty-one to test compliance with the provisions of this Section or any other prohibition of like or similar import shall be unlawful and the person or persons responsible for such use shall be subject to the penalties prescribed in this Title or R.S. 14:91.6, 91.8(H),



92, or 93.11. Unannounced follow-up compliance checks of all noncompliant retailers are required within three months of any violation of this Chapter.

§901.1. Facts and findings

A. The federal Further Consolidated Appropriations Act of 2020 (P.L. 116-94) raised the federal minimum age for sale of tobacco products from eighteen years old to twenty-one years old. The Section of that Act providing for this change became known as “Tobacco 21” or “T21”. The new federal minimum age of sale of tobacco and tobacco products was effective immediately and applies to all retail establishments and persons with no exceptions.

B.(1) Federal enforcement of the federal change in age is through the federal block grant program for mental health and substance abuse. In 1992, Congress enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act (P.L. 102-321), which included an amendment (Section 1926 known as the Synar Amendment) aimed at decreasing youth access to tobacco. This amendment requires states to enact and enforce laws regarding tobacco and tobacco product sales in compliance with federal law in order to receive their full Substance Abuse Prevention and Treatment Block Grant (SABG) award.

(2) T21 contained a transition period of three years from the date of enactment before monies may be withheld from a SABG award to a state for noncompliance. The Act requires states to document and report to the secretary of the United States Department of Health and Human Services efforts made to come into compliance with federal law.

(3) T21 provides for the United States Food and Drug Administration to continue to conduct random and unannounced compliance check inspections on tobacco product retailers to determine a retailer's compliance with federal law and regulations. While T21 did not provide for a grace period or transition period for tobacco retailers, the United States Food and Drug Administration has agreed to continue to use minors under the age of eighteen for undercover buy inspections in its compliance check program.

C.(1) In addition to the federal mandate, there is a growing body of evidence about health problems related to tobacco and vapor use by youth.

(2) In 2016, the Substance Abuse and Mental Health Service Administration conducted a national survey on drug use and health which showed that about ninety-five percent of adult smokers began smoking before turning twenty-one years of age and nearly eighty percent of them were daily smokers by the age of twenty-one. This is significant because in 2014 the Surgeon General released a report entitled *The Health Consequences of Smoking: 50 Years of Progress* which recognized that adolescence and young adulthood are critical periods of growth and exposure to nicotine can have lasting, negative consequences on brain development.

(3) Both the United States Food and Drug Administration and the United States Centers for Disease Control and Prevention are working to investigate the distressing incidents of severe respiratory illness and deaths associated with use of vaping products and have issued consumer warnings and alerts on the matter. The warnings and alerts include a recommendation that vaping products should never be used by youth.

§910. Vending machines

In order to prevent persons under ~~eighteen~~ twenty-one years of age from purchasing or receiving tobacco products, alternative nicotine products, or vapor products from vending machines, the sale or delivery of such products through a vending machine is prohibited unless either of the following apply:

(1) The machine is located in an establishment to which persons under the age of ~~eighteen~~ twenty-one are denied access.

(2) The machine is located in facilities where the dealer ensures that no person younger than ~~eighteen~~ twenty-one years of age is present or permitted to enter at any time and the machine is located within the unobstructed line of sight of a dealer or a dealer's agent or employee who is responsible for preventing persons younger than ~~eighteen~~ twenty-one years of age from purchasing tobacco products, alternative nicotine products, or vapor products through that machine.

§910.1. Self-service displays

A. In order to prevent persons under ~~eighteen~~ twenty-one years of age from purchasing or receiving tobacco products, alternative nicotine products, or vapor products from self-service displays, the sale or delivery of such products through a self-service display is prohibited unless the machine is a vending machine as defined in R.S. 26:910 that complies with the terms and provisions of that Section.

§911. Acts prohibited

A. No person, agent, associate, employee, representative, or servant of any person shall permit any of the following acts to be done on or about any premises which sells or offers for sale tobacco products, alternative nicotine products, or vapor products:

(1) Sell or serve tobacco products, alternative nicotine products, or vapor products over-the-counter in a retail establishment to any person under the age of ~~eighteen~~ unless such person submits twenty-one. All persons engaging in the retail sale of tobacco products, alternative nicotine products, or vapor products shall check the identification of any tobacco purchaser to establish the age of the purchaser. A person shall verify age by submitting a driver's license, selective service card, or other lawful identification which on its face establishes the age of the person as ~~eighteen~~ twenty-one years or older and there is no reason to doubt the authenticity or correctness of the identification.

\* \* \*  
§917. Violations by employee; employer liability  
A. Sale of tobacco products, alternative nicotine products, or vapor products to a ~~minor person under twenty-one years of age~~ by a retail dealer's agent, associate, employee, representative, or servant shall be considered an act of the retail dealer for purposes of suspension, revocation, or assessment of civil penalties unless all of the following conditions exist:

\* \* \*  
Section 3. R.S. 47:851(C)(2) is hereby amended and reenacted to read as follows:  
§851. Monthly reports required; dealers receiving unstamped cigarettes, cigars, and smoking tobaccos; dealers receiving certain items for which taxes are not paid; vending machine restrictions

C. Vending machine operators.

\* \* \*  
(2) In accordance with R.S. 14:91.8(D), vending machine operators shall affix a sign or sticker in not less than 22-point type on the front of each machine stating, “LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE ~~18~~ 21”.

\* \* \*  
Approved by the Governor, June 16, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 404

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HOUSE BILL NO. 607  
BY REPRESENTATIVE DESHOTEL  
AN ACT

To enact R.S. 24:677 and to repeal R.S. 24:677, relative to the Joint Legislative Committee on Technology and Cybersecurity; to require the committee to examine potential regulation for the practice of network installation and cybersecurity; to provide for the scope of the consideration; to provide for a report; to remove such provisions; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:677 is hereby enacted to read as follows:

§677. Examination of potential occupational regulations; scope; report

A. Pursuant to the duties and functions provided in R.S. 24:672, the committee shall examine and consider potential regulatory structures for network installers and cybersecurity providers operating in this state.

B. The committee shall consider any regulatory structure it deems appropriate, including but not limited to creating a state board, creating a state certification program, requiring third-party examinations, requiring federally recognized certifications, and creating an apprenticeship program.

C. The committee shall also consider mechanisms for administration including but not limited to a controlling agency or board, applications, documentation, registrations, renewals, reciprocity, compliance, and enforcement.

D. The committee shall submit its findings and recommendations relative to its examination and consideration of regulatory structures for network installers and cybersecurity providers pursuant to this Section to the legislature prior to the convening of the 2022 Regular Session of the Legislature of Louisiana.

Section 2. R.S. 24:677 is hereby repealed in its entirety.

Section 3.(A) The provisions this Section and of Section 1 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, the provisions of this Section and Section 1 of this Act shall become effective on the day following such approval.

(B) The provisions of Section 2 shall become effective on January 1, 2023.

Approved by the Governor, June 16, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 405

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HOUSE BILL NO. 670  
BY REPRESENTATIVE GARY CARTER  
AN ACT

To amend and reenact R.S. 30:2011(D)(22)(c) and 2014(D)(5) and (6) and to enact R.S. 30:2014(D)(7), relative to fees collected by the Department of Environmental Quality; to authorize a minimum amount for fees paid to the department; to authorize an increase of certain fees paid to the department; to establish a new fee for radioactive waste disposal processing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2011(D)(22)(c) and 2014(D)(5) and (6) are hereby amended and reenacted and R.S. 30:2014(D)(7) is hereby enacted to read as follows:

§2011. Department of Environmental Quality created; duties; powers; structure

\* \* \*

D. The secretary shall have the following powers and duties:

\* \* \*

(22)

\* \* \*

(c) The fee schedule authorized by Subparagraph (b) of this Paragraph shall not exceed the following amounts:

- (i) Accreditation application fee payable every scope amendment and every three-year renewal. \$ 726.00
- (ii)(aa) Per major test category per matrix payable every year, or (bb) Minor conventional category payable every year. \$ 363.00
- (iii) Annual surveillance and evaluation applicable to minor conventional facilities and facilities applying for only one category of accreditation. \$ 363.00
- (iv)(~~aa~~) Annual fee for dependent mobile lab laboratories, per mobile \$ 363.00
- (v)(aa) Proficiency samples biannually to be purchased by the laboratory.
- (bb) Bioassay/biomonitoring annually to be purchased by the laboratory.
- (~~v~~)(vi) Third party audit to be billed directly to the laboratory.
- (~~v~~)(vii) The accreditation fees for in-state laboratories receiving national accreditation will be one and one-half times the regular fees.
- (viii) The accreditation fees for out-of-state laboratories receiving state accreditation will be one and one-half times the regular fees.
- (ix) The accreditation fees for out-of-state laboratories receiving national accreditation will be two times the regular fees.
- (x) Interim accreditation application fees will be two times the regular fees.

\* \* \*

§2014. Permits, licenses, registrations, variances, and fees

\* \* \*

D.

\* \* \*

(5) In accordance with the provisions of Article VII, Section 2.1 of the Constitution of Louisiana, and notwithstanding any other provision of law to the contrary, the Department of Environmental Quality may increase the following fees that are in effect on June 30, 2021, as authorized by this Title, and are required to be deposited into the Environmental Trust Dedicated Fund Account as indicated:

(a) Air fees provided for in Part III of Title 33 of the Louisiana Administrative Code:

(i) The criteria pollutant annual fee per ton emitted on an annual basis for all facility types may be increased by an amount not to exceed twenty dollars per ton phased in over a two-year period. The first phase will increase to sixteen dollars and sixty-one cents per ton and will become effective July 1, 2022. The second phase will increase to twenty dollars per ton and will become effective July 1, 2023.

(ii) The minimum fee for criteria pollutant annual fee and air toxins annual fees may be increased to two hundred fifty dollars.

(iii) In addition, the secretary is hereby authorized to establish an application fee of five thousand dollars for the issuance of asbestos disposal verification forms for a single site for the period of one fiscal year.

(b) Solid waste fees provided for in Part VII of Title 33 of the Louisiana Administrative Code:

(i) Establish a waste tire transporter authorization application fee not to exceed two hundred and fifty dollars, which shall be deposited into the Waste Tire Management Fund.

(ii) In addition, the secretary is hereby authorized to establish an annual fee schedule for all transporters of solid waste with a facility located in Louisiana.

(iii) All holders of permits for solid waste processing and disposal facilities that have not completed closure, including post-closure activities, in accordance with an approved plan, shall be charged an annual monitoring and maintenance fee for each permit and an annual tonnage fee for applicable permits. Annual monitoring and maintenance fees shall be charged for each permitted waste type.

(iv) The maximum annual tonnage fee for type I facilities is one hundred twenty thousand dollars.

(v) The maximum annual tonnage fee for type II facilities is thirty thousand dollars.

(vi) The permit application review fee for type I, I-A, II, and II-A standard permit applicants may be increased to six thousand one hundred twenty five dollars.

(vii) The permit application review fee for type III standard permit applicants may be increased to one thousand three hundred twenty-five

dollars.

(viii) The permit application review fee for type I, I-A, II, and II-A permit-modification applicants may be increased to two thousand six hundred fifty dollars.

(ix) The permit application review fee for type III permit-modification applicants may be increased to eight hundred thirteen dollars.

(x) In addition, the secretary is hereby authorized to establish an annual fee of two hundred fifty dollars for all transporters of solid waste with a facility located in Louisiana.

(c) Radiation protection fees provided for in Part XV of Title 33 of the Louisiana Administrative Code:

(i) The secretary may establish that the naturally occurring radioactive materials general license fee shall be billed per wellhead in the amount of one hundred twenty-five dollars regardless of the field. No maximum fee shall apply.

(ii) In addition, the secretary is hereby authorized to establish a fee schedule for the following activities:

(aa) Device, Product, or Sealed Source Evaluation 6A device evaluation shall each be increased to five thousand dollars.

(bb) Device, Product, or Sealed Source Evaluation 6B sealed source design evaluation shall each be increased to two thousand dollars.

(cc) Device, Product, or Sealed Source Evaluation 6C update sheet shall be increased to five hundred dollars.

(dd) A commercial naturally occurring radioactive materials waste disposal application fee in the amount of twenty-three thousand dollars.

(ee) A commercial naturally occurring radioactive materials waste disposal annual fee in the amount of twenty thousand dollars.

(5)(6) Except as provided in R.S. 30:2155.1, the department shall collect from each facility permitted as a construction or demolition debris landfill, as part of the annual monitoring and maintenance fee, a fee not exceeding twenty-five cents per ton of construction or demolition debris deposited in the facility. The fee provided for in this Paragraph shall apply only to construction or demolition debris which is subject to a fee imposed by the facility. The secretary is authorized to promulgate rules and regulations to implement this Paragraph.

(6)(7) The department may require a fee to process any request for a declaratory ruling not to exceed the maximum per-hour overtime salary, including associated-related benefits, of a civil service employee of the department per hour or portion thereof required to conduct the review plus reasonable indirect costs calculated as a percentage of the hourly fee. Such percentage shall be determined annually by agreement between the department and the United States Environmental Protection Agency for use on grants and contracts. However, the department may require a requestor to pay a minimum fee of one thousand five hundred dollars.

Approved by the Governor, June 16, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 406**

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**HOUSE BILL NO. 707**

(Substitute for House Bill No. 480 by Representative Willard)  
BY REPRESENTATIVES WILLARD, BRYANT, CARPENTER, GARY  
CARTER, WILFORD CARTER, DUPLESSIS, FREEMAN, GAINES,  
GREEN, HUGHES, JAMES, JEFFERSON, JONES, JORDAN, LARVADAIN,  
LYONS, MARCELLE, MOORE, NEWELL, PIERRE, AND SELTERS

**AN ACT**

To enact R.S. 23:291.2, relative to employment discrimination; to prohibit discrimination based on criminal history records; to provide criteria in making hiring decisions; to provide for hiring decisions in conjunction with criminal history records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:291.2 is hereby enacted to read as follows:

§291.2. Criminal history: hiring decisions

A. Unless otherwise provided by law, when making a hiring decision, an employer shall not request or consider an arrest record or charge that did not result in a conviction, if such information is received in the course of a background check.

B. When considering other types of criminal history records, an employer shall make an individual assessment of whether an applicant's criminal history record has a direct and adverse relationship with the specific duties of the job that may justify denying the applicant the position. When making this assessment, an employer shall consider all of the following:

(1) The nature and gravity of the offense or conduct.

(2) The time that has elapsed since the offense, conduct, or conviction.

(3) The nature of the job sought.C. Upon written request by the applicant an employer shall make available to the applicant any background check information used during the hiring process.

Approved by the Governor, June 16, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 407

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HOUSE BILL NO. 711

(Substitute for House Bill No. 563 by Representative Garofalo)

BY REPRESENTATIVES GAROFALO AND JEFFERSON

AN ACT

To amend and reenact R.S. 17:3914(K)(2) and (3)(c)(i) and to enact R.S. 17:3914(K)(1)(e), relative to the collection and sharing of student data and information; to provide for the use of such information for specified purposes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(K)(2) and (3)(c)(i) are hereby amended and reenacted and R.S. 17:3914(K)(1)(e) is hereby enacted to read as follows:

§3914. Student information; privacy; legislative intent; definitions; prohibitions; parental access; penalties

\* \* \*

K.(1) Notwithstanding any provision of this Part to the contrary, the governing authority of each public school, with the permission of a student's parent or legal guardian, shall collect the following personally identifiable information for each student enrolled in grades eight through twelve:

\* \* \*

(e) Race and ethnicity data.

(2) The governing authority of a public school ~~and the company that the state has contracted with to develop the unique student identifier~~ shall disclose the information collected pursuant to Paragraph (1) of this Subsection, upon request, only to:(a) A Louisiana postsecondary education institution, to be used solely for the purpose of processing applications for admission ~~and for compliance with state and federal reporting requirements.~~

(b) ~~The Office of Student Financial Assistance, Board of Regents and the office of student financial assistance, as a program under its jurisdiction, to be used solely for the purpose of processing applications made to the office for state and federal grants and for required grant program reporting, for the purposes of providing reports to each public school governing authority on the postsecondary education remediation needs, retention rates, and graduation rates for each high school under its jurisdiction, and for the purpose of evaluating comparative postsecondary education performance outcomes based on student transcript data in order to develop policies designed to improve student academic achievement.~~

(c) ~~The Board of Regents, to be used only by board staff for the purposes of providing reports to each public school governing authority on the postsecondary remediation needs, retention rates, and graduation rates for each high school under its jurisdiction and to evaluate comparative postsecondary performance outcomes based upon student transcript data in order to develop policies designed to improve student academic achievement.~~

(3)

\* \* \*

(c) The form shall contain the following:

(i) A statement notifying the student's parent or legal guardian exactly what items of student information will be collected and that disclosure of the student information collected will be restricted to Louisiana postsecondary education institutions ~~to be used for the purposes of processing applications for admission and for compliance with state and federal reporting requirements to the Board of Regents and to the Office of Student Financial Assistance office of student financial assistance, as a program under the board's jurisdiction, to be used solely for the purpose purposes of processing applications for admission and for state and federal financial aid and to the Board of Regents to be used solely for the purposes of for required grant program reporting, for providing reports to the school governing authority on the postsecondary education remediation needs, retention rates, and graduation rates for each high school under its jurisdiction, and for evaluating comparative postsecondary education performance outcomes based on student transcript data in order to develop and developing policies designed to improve student academic achievement.~~

\* \* \*

Approved by the Governor, June 16, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 408

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HOUSE BILL NO. 137

BY REPRESENTATIVE DUPLESSIS

AN ACT

To amend and reenact R.S. 27:243(C)(introductory paragraph), (4)(b), and (5) and 248(C)(2)(introductory paragraph), (3), (4), and (5) and to enact R.S. 27:243(C)(6), relative to non-gaming economic development by the casino gaming operator; to provide relative to hotel room taxes; to provide relative to taxation of entertainment and parking; to provide relative to the operating force or personnel level; to provide relative to the employment positions toward the total operating force or personnel level; to provide relative to the amount credited to the casino gaming operator; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

THE ADVOCATE  
PAGE 9

\* As it appears in the enrolled bill

Section 1. R.S. 27:243(C)(introductory paragraph), (4)(b), and (5) and 248(C)(2)(introductory paragraph), (3), (4), and (5) are hereby amended and reenacted and R.S. 27:243(C)(6) is hereby enacted to read as follows:

§243. Requirements for casino operating contract

\* \* \*

C. Beginning August 1, 2019, the casino operator is authorized to conduct the following non-casino related activities at the official gaming establishment or at another location subject to the requirements set forth in Paragraphs (1), (2), (3), ~~and (4), (5), and (6)~~ of this Subsection:

\* \* \*

(4)

\* \* \*

(b) Among other things, the memorandum of understanding and agreement with the Greater New Orleans Hotel and Lodging Association dated April 2019, shall provide for the following:

(i) Only for those additional rooms authorized by the memorandum of understanding and agreement dated April 2019, advertising of market rates shall be based on average seasonal rates for the preceding year of luxury hotels in the Central Business District, French Quarter, and Warehouse District of the ~~City~~ city of New Orleans, as compiled by a nationally recognized firm.

(ii) For rooms existing prior to August 1, 2018, room taxes levied and collected by the city of New Orleans shall be paid by the casino gaming operator on all ~~discounted and complimentary rooms to be paid~~ at the applicable tax rates based upon average seasonal rates for the preceding year of hotels in the Central Business District and French Quarter of the ~~City~~ city of New Orleans, as compiled by a nationally recognized firm. For those hotel rooms added after 2019 and authorized by the memorandum of understanding and agreement dated April 2019, room taxes levied and collected by the city of New Orleans shall be paid by the casino operator on all ~~discounted and complimentary rooms to be paid~~ at the applicable tax rates based upon average seasonal rates for the preceding year of luxury hotels in the Central Business District, French Quarter, and Warehouse District of the City of New Orleans, as compiled by a nationally recognized firm.

(iii) Complimentary rooms provided by the casino gaming operator shall not be subject to the state sales and use tax. Room taxes levied and collected by the city of New Orleans, sales and use taxes levied by the state of Louisiana, and sales and use or occupancy taxes levied by any other political subdivision on rooms provided at a discount by the casino gaming operator shall be paid at the applicable rates based on the amount actually paid or charged for the room.

(iv) In order to establish and stabilize the amount of occupancy taxes to be paid by the casino gaming operator to the Louisiana Stadium and Exposition District and the Ernest N. Morial-New Orleans Exhibition Hall Authority for complimentary rooms provided by the casino gaming operator, which amount is otherwise uncertain, the casino gaming operator shall enter into a binding memorandum of understanding with the Louisiana Stadium and Exposition District and the Ernest N. Morial-New Orleans Exhibition Hall Authority to provide for cumulative annual payments for the occupancy taxes of not less than one million three hundred thousand dollars per year, with the first payment beginning on July 1, 2022, and continuing through July 31, 2054, the payment to be made on a quarterly basis as may be set forth in the binding memorandum of understanding. Any action related to the enforcement of the binding memorandum of understanding set forth herein and any related agreements shall be instituted in the Civil District Court for the parish of Orleans.

(5) The casino gaming operator shall remit state and local sales and use taxes at the applicable tax rates on all complimentary and discounted food, beverage, or entertainment offerings based on the actual value of food, beverage, or entertainment provided. The casino gaming operator shall remit state and local sales and use taxes at the applicable tax rates on all parking provided at a charge to the customer or the general public.

(6) The casino gaming operator shall not engage in such activities as are prohibited by the casino operating contract.

\* \* \*

§248. Non-gaming economic development by casino gaming operator

\* \* \*

C. As to non-gaming economic development activities:

\* \* \*

(2) The total operating force or personnel level ~~of the third-party tenants~~ shall be reported to the board quarterly on the following dates every year:

\* \* \*

(3) The reported operating force or personnel level for the prior quarter shall be determined by taking into account the greater of either the three-month average for the applicable reporting quarter or the highest monthly total during the applicable reporting quarter. The reported operating force or personnel level for the prior quarter shall be credited to the casino gaming operator for purposes of meeting its obligations under R.S. 27:244(A)(11), provided that such credit shall be limited to ~~four hundred employment positions toward no more than half of~~ the total operating force or personnel level required by R.S. 27:244(A)(11).

(4) For purposes of this Section, "operating force or personnel level" shall mean the number of people employed by the casino and any related non-gaming entity, including hotel operations, hospitality outlets, third-party tenants, ~~and corporate employees, and any third-party contractors that work at the casino and any related non-gaming venue, excluding any third-~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

party contractors providing personal or professional services; however, the employees of third-party contractors shall be included only until the capital investment requirement set forth in R.S. 27:241(A)(2)(b) has been fulfilled.

(5) The casino gaming operator shall be credited an amount equal to the ~~pro rata share~~ of compensation to employees of the third-party tenants. The credited amount shall be applied to the total salary level or compensation reported under R.S. 27:244(A)(12) and shall be calculated based on the total operating force or personnel level reported pursuant to ~~R.S. 27:248(C)(2)~~ Paragraph (2) of this Subsection.

Section 2. The provisions of this Act shall be effective on July 1, 2021.  
Approved by the Governor, June 17, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 409**

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**HOUSE BILL NO. 358**  
**BY REPRESENTATIVE EDMONDS**  
**AN ACT**

To enact R.S. 13:621.24.2, relative to the Twenty-Fourth Judicial District; to establish the Online Judge Pilot Program; to provide for motions; to provide for oral and written arguments; to provide for admissibility of evidence; to provide for transmission of pleadings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 13:621.24.2 is hereby enacted to read as follows:

§621.24.2. Twenty-Fourth Judicial District; Online Judge Pilot Program

A. In an effort to improve access to justice and create a more efficient and effective justice system, the Twenty-Fourth Judicial District Court, by rule adopted by a majority of the judges sitting en banc, may establish the Online Judge Pilot Program. Each division of court, now in existence or subsequently created, is authorized to establish a process to handle any preliminary matter exclusively online.

B. Pursuant to the inherent judicial power of the court, the court may order the parties to any civil case to participate in the program. Any party who wishes to opt out of the program shall file a written motion to opt out within ten days after service of the order, which may be granted ex parte. If no party opts out, all parties shall participate in the program unless a party has been exempted by the court due to an undue hardship. An undue hardship exists when a party cannot access the online system or participate in the program without substantial difficulty or expense as determined by the court.

C. In an effort to expedite litigation, oral arguments shall be waived and all motions and exceptions shall be referred to the program, unless the court determines that oral arguments or witness testimony is necessary. Written argument may take place through the program in an asynchronous manner within a time frame specified by the court. The court may also designate a character limit depending upon the complexity of the issue. The court may consider only those documents filed in support of or in opposition to the subject motion and shall consider any documents to which no objection is made. Any objection to a document shall be raised in a timely filed opposition or reply memorandum. The court shall consider all objections prior to rendering judgment. The court shall specifically state in writing which documents, if any, it held to be inadmissible or declined to consider. The parties may present and offer additional evidence if oral arguments are permitted or witness testimony is necessary.

D. All messages related to a hearing held through the program shall be considered part of the court record and may be used for any purpose after having been certified by the court reporter. Any issue discussed through the program during the pretrial conference may not be used as evidence in any judicial or administrative proceeding.

E. Notwithstanding any provision of law to the contrary, every pleading subsequent to the original petition, including a pleading or order that sets a court date, shall be served by transmitting an electronic copy to all parties through the program established by the court.

F. This Section shall be null and void on and after August 1, 2025.  
Approved by the Governor, June 17, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 410**

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**HOUSE BILL NO. 642**  
**BY REPRESENTATIVES SCHEXNAYDER AND ZERINGUE AND**  
**SENATOR CORTEZ**  
**AN ACT**

To enact R.S. 39:100.44.1, 100.44.2, and Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.51 through 100.59.2, relative to the disbursement of monies received from the American Rescue Plan Act of 2021; to create funds for the deposit of federal monies received from the American Rescue Plan Act of 2021; to create programs for the administration of monies from the funds; to create and establish the Water Sector Commission; to provide for the powers, duties, and authority of the Water Sector Commission; to

provide for the powers, duties, and authority of the Joint Legislative Committee on the Budget; to authorize the Joint Legislative Committee on the Budget to approve the transfer of monies received from the American Rescue Plan Act of 2021 to certain funds; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 39:100.44.1, 100.44.2, and Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.51 through 100.59.2, are hereby enacted to read as follows:

§100.44.1. Louisiana Main Street Recovery Program; Louisiana Rescue Plan Funds; Loggers Relief; Save Our Screens

A. Notwithstanding the provisions of R.S. 39:100.44, the treasurer shall administer the Louisiana Main Street Recovery Program for grants to the Louisiana Loggers Relief Program and the Louisiana Save Our Screens Program as provided in this Section. The treasurer may utilize up to five percent of the monies in the Louisiana Main Street Recovery Rescue Plan Fund for administration of the programs. Notwithstanding any provision of law to the contrary, the treasurer may enter into consulting services, professional services, and information and technology services contracts for the purpose of the procurement of any goods or services necessary to implement and expedite the distribution of funds as emergency procurements exempt from the provisions of the Louisiana Procurement Code and corresponding rules and regulations. The cost of such contracts shall be considered administrative expenses.

B. Any business receiving funding from a program within the Louisiana Main Street Recovery Program pursuant to this Section shall meet the following criteria:

- (1) Had a physical and active operation in Louisiana as of March 1, 2020.
- (2)(a) For movie theaters, had fifty or fewer full-time equivalent employees per location as of March 1, 2020.
- (b) For other businesses, had fifty or fewer full-time equivalent employees as of March 1, 2020.
- (3) Filed Louisiana taxes for tax years 2019 and 2020.
- (4) Experienced a revenue loss of ten percent or greater of gross revenue for the period of January 1, 2020, through December 31, 2020, as compared to the gross revenue of the business during the same period in 2019.
- (5) Is in good standing with the secretary of state.
- (6) Does not exist for the purpose of advancing partisan political activity.
- (7) Does not directly lobby federal or state officials.
- (8) Does not derive income from passive investments without active participation in business operations.

C. Any grant award received pursuant to this Section combined with any monies received pursuant to the Louisiana Main Street Recovery Program as provided in R.S. 39:100.44, United States Small Business Administration-Guaranty Paycheck Protection Program loan, and United States Small Business Administration Economic Injury Disaster Loan Emergency Advance shall not exceed the amount of revenue loss experienced by the business for the period of January 1, 2020, through December 31, 2020.D. Priority shall be given to businesses that previously submitted applications to the Louisiana Main Street Recovery Program as provided in R.S. 39:100.44 but whose applications were not considered due to exhaustion of monies in the Louisiana Main Street Recovery Fund.

E. The Louisiana Loggers Relief Program shall have priority for ten million dollars of the money granted by the Louisiana Main Street Recovery Program. Grants shall be distributed to eligible timber harvesting and timber hauling businesses impacted by COVID-19. Any grant received pursuant to this Subsection shall not exceed twenty-five thousand dollars per business. In addition to the criteria provided in Subsection B of this Section, a timber harvesting or timber hauling business shall meet all of the following criteria to be eligible to receive a grant:

- (1) Is assigned a North American Industry Classification System Code of 113310 or 484220.
- (2) Is certified by the Louisiana Forestry Association as a master logger.
- (3) Is not a subsidiary of a business with more than fifty full-time equivalent employees, is not part of a larger business enterprise with more than fifty full-time equivalent employees, and is not owned by a business with more than fifty full-time equivalent employees.

F. The Louisiana Save Our Screens Program shall have priority for four million five hundred thousand dollars of the money granted by the Louisiana Main Street Recovery Program. Grants shall be distributed to eligible movie theater businesses impacted by COVID-19. Any grant received pursuant to this Subsection shall not exceed ten thousand dollars per movie screen located in Louisiana. Theatres with corporate ownership based outside of Louisiana shall use funds received pursuant to this Subsection for Louisiana-based screens and operations. In addition to the criteria provided in Subsection B of this Section, a business shall meet all of the following criteria to be eligible to receive a grant:

- (1) Is a movie theater that has at least one permanent indoor auditorium for viewing films for entertainment by the general public who attend by the purchase of an individual ticket to view a specific non-adult-oriented film.
- (2) Conducted regularly scheduled screenings in Louisiana in calendar year 2019.
- (3) Is currently open and actively operating as of the effective date of this Section.
- (4) Was subject to limitations or restrictions as a result of Proclamation Number 25 JBE 2020 or any subsequent gubernatorial proclamations related



to COVID-19.

G. The theater receiving the grant shall be the entity holding the occupational license for the physical location of the applicable auditorium.

H.(1) There is hereby created in the state treasury, as a special fund, the Louisiana Main Street Recovery Rescue Plan Fund, hereinafter referred to in this Section as the “fund”. The treasurer is hereby authorized and directed to transfer fourteen million five hundred thousand dollars from the Louisiana Rescue Plan Fund into the fund. Of the monies in the fund, ten million dollars shall be used for economic support grants to eligible Louisiana timber harvesting and timber hauling businesses and four million five hundred thousand dollars shall be used for economic support grants to eligible movie theater owners in accordance with the provisions of the Louisiana Main Street Recovery Program as provided in this Section.

(2) Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

(3) Any remaining balance in the fund on June 30, 2022, shall be transferred to the Louisiana Rescue Plan Fund.

I. The legislative auditor shall consult with and provide to the treasurer recommendations about requirements necessary for eligibility criteria and verification of such criteria for the programs in this Section.

J. No grants shall be awarded pursuant to this Section after January 30, 2022.

#### §100.44.2. Port Relief; Small Business and Nonprofit Assistance

A.(1)(a) The division of administration, hereinafter referred to in this Section as the division, shall administer the Port Relief Program. The program shall provide funding to Louisiana port authorities for revenue loss and reimbursement of expenses related to COVID-19 and port security measures. The amount of total funding from the program for security measures shall not exceed five million dollars. Expenses submitted to but not reimbursed by the Coronavirus Local Recovery Allocation Program shall be eligible for reimbursement pursuant to the provisions of this program. In no event shall the total amount of an award made pursuant to the provisions of this program, when combined with all monies received by the port authority pursuant to the Coronavirus Aid, Relief and Economic Security Act (CARES), Coronavirus Response & Relief Supplemental Appropriations Act (CRRSA), the American Rescue Plan Act (ARP), and the Coronavirus Local Recovery Allocation Program, exceed the actual revenue loss, COVID-19 expenses, and maritime port security expenses incurred by the port authority, as determined in Item (c)(ii) of this Paragraph.

(b) For purposes of this Section, “port authority” means the governing authority of any port area or port, harbor, and terminal district. The term “port authority” shall also include an entity that provides short line rail service for a port, harbor, or terminal district and has pledged its revenues to the indebtedness of the port, harbor, or terminal district.

(c) Any port authority receiving funding pursuant to this Section shall meet the following criteria:

(i) Had a physical and active operation in Louisiana as of March 1, 2020.

(ii) Experienced a revenue loss of gross revenue for the period of March 1, 2020, through June 30, 2021, as compared to the gross revenue that the port authority would have received during the same period pursuant to its financial plans.

(d) The port authority seeking funding pursuant to this Section shall submit verification of revenue loss, COVID-19 expenses, and expenses related to maritime port security measures to the division of administration.

(e) The division of administration is hereby authorized to promulgate emergency rules to provide for administration of this program and to establish an application period for awards pursuant to the provisions of this Paragraph.

(f) No funding shall be awarded pursuant to the provisions of this Paragraph until after the application period has closed. Thereafter, available funds shall be allocated on a pro rata basis to each port authority that qualifies for an award pursuant to the provisions of this Paragraph. If a port authority does not qualify for its full pro rata allocation, the remaining funds shall be aggregated for further pro rata distribution to remaining qualifying port authorities once all initial awards have been made. Any remaining balance after the second distribution shall be transferred to the Louisiana Rescue Plan Fund.

(g) The division of administration may utilize an amount not to exceed two hundred fifty thousand dollars collectively from the Louisiana Port Relief Fund and the Louisiana Tourism Revival Fund for administrative expenses associated with the Louisiana Port Relief Program and the Louisiana Tourism Revival Program.

B.(1) The Department of Revenue shall administer the Louisiana Small Business and Nonprofit Assistance Program. The Department may utilize up to five percent of the monies in the Louisiana Small Business and Nonprofit Assistance Fund for administration of the program. Notwithstanding any provision of law to the contrary, the Department may enter into consulting services, professional services, and information and technology services contracts for the purpose of the procurement of any goods or services necessary to implement and expedite the distribution of funds as emergency procurements exempt from the provisions of the Louisiana Procurement Code and corresponding rules and regulations. The cost of such contracts shall be considered administrative expenses.

(2) The program shall provide grants to small businesses to provide workforce development activities and eligible nonprofit organizations, including public

charities and faith-based organizations that provide social services to the broader community, to administer aid to individuals impacted by COVID-19. Any grant received pursuant to this Subsection shall not exceed twenty-five thousand dollars per small business or nonprofit organization.

(3) Any small business or eligible nonprofit organization receiving funding pursuant to this Section shall meet the following criteria:

(a)(i) For a small business, is a corporation, limited liability company, partnership, or sole proprietorship.

(ii) For a nonprofit organization, is a nonprofit corporation wholly owned by a nonprofit corporation.

(b) Is currently open and actively operating as of the effective date of this Section.

(c) Is in good standing with the secretary of state, if applicable.

(d) Filed Louisiana tax returns for tax years 2019 and 2020, if applicable.

(e) Does not exist for the purpose of advancing partisan political activity and does not directly lobby federal or state officials.

(f) Is in good standing with the Internal Revenue Service and has filed the Form 990 for tax year 2019 and 2020, if applicable.

(4) For nonprofit organizations, priority shall be given to organizations that provide food, employment, and education assistance programs.

(5) For purposes of this Subsection, the following terms shall have the following meanings:

(a) “Small business” shall mean a business with fifty or fewer full-time equivalent employees.

(b) “Workforce development activity” shall mean any program, service, or activity that involves workforce preparation or vocational skills training. It shall also include any program, service, or activity that tends to improve an individual’s employment opportunities such as basic education, academic education, vocational, technical, or occupational education, job readiness training, and job search training.

(6) Each small business or nonprofit organization that receives funds pursuant to this Section shall enter into a cooperative endeavor agreement with the Department of Revenue to ensure the funds are properly expended. The secretary of the Department of Revenue may promulgate rules in accordance with the Administrative Procedure Act to establish the policies and criteria regarding program eligibility and any other matter necessary to carry out the intent and purposes of this Section.

(7) No grants shall be awarded pursuant to this Section after June 30, 2022.

\* \* \*

#### SUBPART N. LOUISIANA RESCUE PLAN FUND

##### §100.51. Louisiana Rescue Plan Fund; purpose

A. There is hereby created in the state treasury, as a special fund, the “Louisiana Rescue Plan Fund”, hereinafter referred to in this Section as the “fund”. The state treasurer is authorized and directed to deposit in and transfer into the fund any federal monies allocated to Louisiana pursuant to the Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

B.(1) The state treasurer is hereby authorized and directed to transfer five hundred sixty-three million dollars out of the Louisiana Rescue Plan Fund into the Construction Subfund of the Transportation Trust Fund in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues.

(2) The state treasurer is hereby authorized and directed to transfer fifteen million dollars out of the Louisiana Rescue Plan Fund into the Legislative Capitol Technology Enhancement Fund in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues.

(3) The state treasurer is hereby authorized and directed to transfer the amount of ten million dollars out of the Louisiana Rescue Plan Fund into the Major Events Fund.

(4) The state treasurer is hereby authorized and directed to transfer the amount of five million dollars out of the Louisiana Rescue Plan Fund into the Health Care Employment Reinvestment Opportunity (H.E.R.O.) Fund, in the event that Senate Bill No.229 of the 2021 Regular Session of the legislature is enacted into law.

C. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

D. Monies in the fund shall be allocated as provided in this Subpart and may be appropriated for the Clearing Account of the Unemployment Compensation Fund pursuant to R.S. 23:1491.

E. If the legislature is not in session, the Joint Legislative Committee on the Budget is authorized to appropriate monies from the Louisiana Rescue Plan Fund or any of the funds created pursuant to this Subpart by approving a budget adjustment by BA-7. Any such appropriation shall be consistent with guidance promulgated by the United States Treasury. The committee is further authorized to approve the transfer of funds between any of the funds created pursuant to this Subpart by approving a budget adjustment by BA-7. Pursuant to approval of a BA-7, monies in the fund may be used to provide funding for infrastructure projects administered by the Department of Transportation and Development.

##### §100.52. Water Sector Fund

A. There is hereby created in the state treasury, as a special fund, the Water Sector Fund, hereinafter referred to in this Section as the “fund”. The treasurer is hereby authorized and directed to transfer three hundred million dollars from the Louisiana Rescue Plan Fund into the Water Sector Fund.

B. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

C. Monies in the fund shall be used to provide grant funding for repairs, improvements, and consolidation of water systems and sewerage systems and repairs and improvements necessitated by storm water pursuant to the Water Sector Program as provided in R.S. 39:100.56.

§100.53. Granting Unserved Municipalities Broadband Opportunities Fund

A. There is hereby created in the state treasury, as a special fund, the Granting Unserved Municipalities Broadband Opportunities (GUMBO) Fund, hereinafter referred to in this Section as the “fund”. The treasurer is hereby authorized and directed to transfer ninety million dollars from the Louisiana Coronavirus Capital Projects Fund into the fund.

B. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

C. Monies in the fund shall be used to provide grants to help fund broadband access in rural and disadvantaged areas pursuant to the provisions of the Granting Unserved Municipalities Broadband Opportunities program established by law.

§100.54. Louisiana Tourism Revival Fund

A. There is hereby created in the state treasury, as a special fund, the Louisiana Tourism Revival Fund, hereinafter referred to in this Section as the “fund”. The treasurer is hereby authorized and directed to transfer seventy-seven million five-hundred thousand dollars from the Louisiana Rescue Plan Fund into the fund.

B. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

C. Monies in the fund shall be utilized to support the efforts of state, local, and regional tourism entities to revive tourism in Louisiana by investing in programs focused on marketing and promoting Louisiana as a destination for in-state and out-of-state travel activity.

D. Monies in the fund shall be distributed as follows: sixty million dollars shall be used for the Louisiana Tourism Revival Program as provided for in R.S. 39:100.55 and seventeen million five-hundred thousand dollars shall be appropriated to the Department of Culture, Recreation and Tourism for the Marketing Program.

§100.55. Louisiana Tourism Revival Program

A. The Louisiana Tourism Revival Program is established to provide grants to local and regional tourist commissions for marketing and promoting Louisiana as a tourism destination for in-state and out-of-state travel activity. The division of administration shall administer the program.

B. The division of administration shall establish a program portal in which applications shall be submitted, and the division shall publish information on the program. The program portal page shall be operational no later than August 31, 2021.

C. In order to qualify to receive a grant award, the recipient shall be an official tourism commission, convention and visitors bureau, or official destination marketing organization.

D. The division of administration shall submit a plan for the administration and structure of the program to the Joint Legislative Committee on the Budget by July 31, 2021, for review and approval at the monthly August meeting. No grants shall be awarded prior to Joint Legislative Committee on the Budget approving the plan submitted by the division of administration.

E. The division of administration may utilize an amount not to exceed two hundred fifty thousand dollars collectively from the Louisiana Port Relief Fund and the Louisiana Tourism Revival Fund for administrative expenses associated with the Louisiana Port Relief Program and the Louisiana Tourism Revival Program.

§100.56. Water Sector Program

A. As used in this Section, the following terms shall have the following meanings:

- (1) “Commission” shall mean the Water Sector Commission.
- (2) “Committee” shall mean the Joint Legislative Committee on the Budget.
- (3) “Division” shall mean the division of administration.
- (4) “Fund” shall mean the Water Sector Fund.

B.(1) The Water Sector Commission is hereby established to review applications submitted pursuant to the Water Sector Program and make recommendations for funding to the Joint Legislative Committee on the Budget.

(2) The commission shall be comprised of the following members:

(a) Five members of the House of Representatives appointed by the speaker of the House of Representatives.

(b) Five members of the Senate appointed by the president of the Senate.

(3) A Senate member of the commission and a House member of the commission shall serve as co-chairmen of the commission.

(4) A quorum of the commission shall be six members. Any recommendations made by the commission shall require a quorum for approval.

(5) The staffs of the Senate, House of Representatives, and legislative fiscal office shall provide staff support and otherwise assist the commission as requested by the commission.

C. The Water Sector Program is hereby established to provide grant funding for repairs, improvements, and consolidation of community water and sewer systems, and repairs and improvements necessitated by storm water. The division of administration, office of facility planning and control, and the office of community development shall administer the program in consultation with the Louisiana Department of Health and the Department of Environmental Quality. The division shall establish a working panel comprised of employees of the office of facility planning and control and the office of community development, within the division of administration, the office of public health within the Louisiana Department of Health, and the Department of Environmental Quality. The working panel shall review and rate applications submitted by community water systems, community sewer systems, and local governing authorities and submit recommendations for funding to the commission.

D.(1) The commission shall hold its first meeting no later than June 30, 2021. At its first meeting, the commission shall issue directives to the division to utilize in the development of the guidance required in Paragraph (2) of this Subsection.

(2) The division shall promulgate guidance for the administration of the program. The guidance shall include application requirements, deadlines for application submissions and approval, criteria for ratings, and a process for prioritizing critical infrastructure needs. The Administrative Procedure Act, R.S. 49:950 et seq., shall not apply to guidance promulgated pursuant to this Section. No later than July 15, 2021, the division shall submit the proposed guidance to the commission for review and approval. Any changes to the guidance shall require approval by the commission.

E. In addition to the guidance provided for in Subsection D of this Section, the division shall submit a proposal outlining administrative costs for the program to the commission for review and approval prior to implementing the program no later than July 15, 2021. The commission shall review the proposed administrative costs and make a recommendation to the Joint Legislative Committee on the Budget for funding for administrative costs. The committee shall review the recommendations submitted by the commission and approve administrative costs for the program.

F. Notwithstanding any provision of law to the contrary, the division may enter into consulting services, professional services, and information and technology services contracts for the purpose of the procurement of any goods or services necessary to implement and expedite the distribution of funds as emergency procurements exempt from the provisions of the Louisiana Procurement Code and corresponding rules and regulations. The cost of such contracts shall be considered administrative costs.

G. Each grant recipient shall be required to provide matching funds unless the commission recommends waiving the match requirement.

H. The division shall begin accepting applications no later than August 1, 2021. The applications shall include the following, at a minimum:

- (1) The amount of grant funding requested.
- (2) The amount and proposed source of funding for the proposed match.
- (3) Proposals for repairs, improvements, or consolidation with neighboring systems.

(4) Assurance the entity will comply with the rate determination of the rate study completed by a third party chosen by the division prior to release of funds for construction and permission to bid.

(5) A certification from the local governing authority that operates the system or the water system operator that funding from the Coronavirus Fiscal Recovery Fund of the American Rescue Plan Act of 2021 is being used as a source of funding for the required match or explanation of legitimate cause that precluded the use of those funds for the match.

I. Within forty-five days of the end of the application period, the division shall submit the working panel’s ratings of proposed projects and recommendations for funding for the projects to the commission. The working panel’s recommendations to the commission shall include recommendations for utilization of existing funding sources including the Drinking Water Revolving Loan Fund, Clean Water State Revolving Fund, and Community Water Enrichment and Other Improvements Fund.

J. The commission shall review the ratings and recommendations submitted by the working panel. The commission shall submit its recommendations for projects to receive monies from the fund and funding amounts to the Joint Legislative Committee on the Budget. The recommendations shall include proposed matching funds unless the commission recommends a waiver of matching funds or decreased match for any project based on the determination that the local governing authority or water system is unable to provide the match.

K. The committee shall review the recommendations submitted by the commission and have final approval of funding for projects. No monies shall be expended from the fund without approval of the Joint Legislative Committee on the Budget.

L. Beginning January 1, 2022, the division shall submit a quarterly construction progress report for projects that received funding approval to the Joint Legislative Committee on the Budget.

M. Each grant recipient that receives funding pursuant to this Section shall comply with the provisions of R.S. 24:513.



N. The provisions of R.S. 39:72.1(A) shall not apply to monies appropriated pursuant to this Section.

Q.(1) Priority for funding shall be given to community water system projects, community sewer system projects, or projects necessitated by storm water that are contained in the Act which originated as House Bill No. 2 of the 2021 Regular Session of the Legislature.

(2) Projects eligible pursuant to this Subsection shall not be required to submit an application pursuant to the provisions of the Section. The division may request supplemental information for the project as directed by the commission.

P. If an appropriation for a community water system project, community sewer system project, or a project necessitated by storm water has received a line of credit or is recommended for a line of credit pursuant to the Act which originated as House Bill No. 2 of the 2021 Regular Session of the Legislature and the project is eligible for funding through the Water Sector Program, the commission may recommend to the commissioner of administration that the project not be recommended for a line of credit in lieu of funding from the Water Sector Program.

§100.57. Louisiana Coronavirus Capital Projects Fund

A. There is hereby created in the state treasury, as a special fund, the “Louisiana Coronavirus Capital Projects Fund”, hereinafter referred to in this Section as the “fund”. Monies in the fund shall be expended in accordance with the American Rescue Plan Act of 2021 and subsequent guidance promulgated by the United States Treasury.

B. The state treasurer is hereby authorized and directed to deposit in and credit to the fund any federal monies allocated to Louisiana pursuant to the Coronavirus Capital Projects Fund of the American Rescue Plan Act of 2021.

C. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

D. Monies in the fund shall be allocated as provided in this Subpart.

§100.58. Louisiana Small Business and Nonprofit Assistance Fund

A. There is hereby created in the state treasury, as a special fund, the “Louisiana Small Business and Nonprofit Assistance Fund”, hereinafter referred to in this Section as the “fund”. Monies in the fund shall be used to provide grants to small businesses and nonprofits for the administration of COVID-19 response and relief efforts in accordance with the provisions of the Louisiana Small Business and Nonprofit Assistance Program as provided in R.S. 39:100.44.2.

B. The treasurer is hereby authorized and directed to transfer ten million dollars from the Louisiana Rescue Plan Fund into the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

C. Any remaining balance in the fund on June 30, 2023, shall be transferred to the Louisiana Rescue Plan Fund.

§100.59. Louisiana Port Relief Fund

A. There is hereby created in the state treasury, as a special fund, the “Louisiana Port Relief Fund”, hereinafter referred to in this Section as the “fund”. Monies in the fund shall be used to provide economic support to Louisiana port authorities in accordance with the provisions of the Louisiana Port Relief Program as provided in R.S. 39:100.44.2.

B. The treasurer is hereby authorized and directed to transfer fifty million dollars from the Louisiana Rescue Plan Fund into the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

C. Any remaining balance in the fund on January 1, 2022, shall be transferred to the Louisiana Rescue Plan Fund.

§100.59.1. Southwest Louisiana Hurricane Recovery Fund

A. There is hereby created in the state treasury, as a special fund, the Southwest Louisiana Hurricane Recovery Fund, hereinafter referred to in this Section as the “fund”. Monies in the fund shall be used to assist in repairing structural damages caused by the 2020 hurricane season in Southwest Louisiana.

B. The treasurer is hereby authorized and directed to transfer thirty million dollars from the Louisiana Rescue Plan Fund into the fund in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

§100.59.2. Capital Outlay Relief Fund

A. There is hereby created in the state treasury, as a special fund, the Capital Outlay Relief Fund hereinafter referred to in this Section as the “fund”. Monies in the fund shall be used for capital outlay projects.

B. The treasurer is hereby authorized and directed to transfer thirty-five million dollars from the Louisiana Rescue Plan Fund into the fund in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

Section 2.(A) This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

(B) Notwithstanding the provisions of Paragraph (A) of this Section, R.S. 39:100.53 as enacted by the provisions of this Act shall become effective if and when the Act which originated as House Bill No. 648 of this 2021 Regular Session of the Legislature is enacted and becomes effective.

Approved by the Governor, June 17, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 411**

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HOUSE BILL NO. 379

BY REPRESENTATIVES LARVADAIN AND LANDRY AND SENATOR

BARROW

AN ACT

To enact Civil Code Article 2315.11, relative to damages; to provide for exemplary damages; to provide relative to sexual assault in the workplace; to provide for attorney fees and court costs; to provide for liberative prescription; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 2315.11 is hereby enacted to read as follows:

Art. 2315.11. Liability for damages caused by sexual assault

A. In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by an act or acts of sexual assault in the workplace.

B. The provisions of this Article shall be applicable only to the perpetrator of the sexual assault.

C. Upon motion of the defendant or upon its own motion, if the court determines that an action seeking damages under this Article is frivolous or fraudulent, the court shall award costs of court, reasonable attorney fees, and any other related costs to the defendant and any other sanctions and relief requested pursuant to Code of Civil Procedure Article 863.

D. An action under the provisions of this Article shall be subject to a liberative prescriptive period provided for in Article 3496.2

E. As used in this Article, sexual assault is as defined in R.S. 46:2184.

Approved by the Governor, June 18, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 412**

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HOUSE BILL NO. 410

BY REPRESENTATIVE HARRIS AND SENATOR LUNEAU

AN ACT

To enact R.S. 17:3351.21, relative to fees charged to students at postsecondary education institutions; to authorize the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to impose course fees for certain courses associated with the aviation program at Louisiana State University at Alexandria; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3351.21 is hereby enacted to read as follows:

§3351.21. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Louisiana State University at Alexandria; aviation program; course fees; amounts; authority to increase

In addition to the authority granted by any other provision of law and in accordance with Article VII, Section 2.1 of the Constitution of Louisiana, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College may impose at Louisiana State University at Alexandria the following aviation course fees:

(1) Private Pilot Flight I: \$4,600.

(2) Private Pilot Flight II: \$4,600.

(3) Instrument Pilot Flight I: \$4,900.

(4) Instrument Pilot Flight II: \$4,900.

(5) Commercial Pilot Flight I: \$16,648.

(6) Commercial Pilot Flight II: \$16,648.

(7) Flight Instructor: \$7,350.

(8) Multi-Engine Flight: \$5,480.

(9) Flight Instructor Instrument: \$4,680.

(10) Multi-Engine Flight Instructor: \$5,480.

Section 2. The authority to impose fees as provided in this Act shall be implemented beginning with the Fall 2021 semester.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on

the day following such approval.  
Approved by the Governor, June 18, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 413**

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**HOUSE BILL NO. 42**  
**BY REPRESENTATIVE DAVIS**  
**AN ACT**

To enact R.S. 17:3351(N), relative to public postsecondary education institutions; to require institutions to provide students with education loan information; to require annual updates of loan information to be given to students; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 17:3351(N) is hereby enacted to read as follows:  
§3351. General powers, duties, and functions of postsecondary education management boards

\* \* \*

N.(1) Each board shall require each institution that is under its control and that receives education loan information for a student enrolled in the institution to provide information to that student in accordance with this Subsection.  
(2) The institution shall provide the following annually:  
(a) The total amount of education loans taken out by the student.  
(b) The percentage of the borrowing limit the student has reached at the time the information is provided.  
(c) Monthly repayment amounts that a similarly situated borrower may incur, including principal and interest, for the amount of education loans taken out by the student at the time the information is provided.  
(3) The information provided may include a statement that the estimates and ranges provided are not a guarantee or promise of the actual or projected amount.  
(4) An institution shall not be held liable for information provided pursuant to this Subsection.  
(5) Nothing in this Subsection shall apply to private loans.

Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 414**

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**HOUSE BILL NO. 81**  
**BY REPRESENTATIVE PRESSLY**  
**(On Recommendation of the Louisiana State Law Institute)**  
**AN ACT**

To amend and reenact Civil Code Articles 2041, 2534, and 3463, relative to prescription; to provide for prescription of the revocatory action; to provide for prescription of actions for redhibition and breach of the warranty of fitness for use; to provide for the interruption of prescription; to provide with respect to prescription of actions for recognition of inheritance rights; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. Civil Code Articles 2041, 2534, and 3463 are hereby amended and reenacted to read as follows:  
Art. 2041. Action must be brought within one year  
The action of the obligee must be brought within one year from the time he learned or should have learned of the act, or the result of the failure to act, of the obligor that the obligee seeks to annul, but never after three years from the date of that act or result.  
~~The three year period provided in this Article shall not apply in cases of fraud.~~

**Revision Comments - 2021**

This revision changes the law by deleting the second paragraph of prior Article 2041, which was added in 2013 and which created an exception to the three-year period in the first paragraph in cases of fraud. The 2013 amendment had the potential to create instability in title to immovables, as any instance in which a transfer of property occurred “fraudulently” and in violation of the law on revocatory actions potentially allowed the original transferor to recover the property within “one year from the time he learned or should have learned of the act, or the result of the failure to act.” The three-year period provided in this Article creates an important protection for third parties and an obvious effort “to protect the security of transactions.” In addition, the 2013 amendment risked re-injecting the concept of fraud into the revocatory action - a concept that was eliminated in the general revision to the law of obligations in 1984 because of the confusion and uncertainty that the concept of fraud caused. Accordingly, the 1984 revision eliminated the concept of fraud from the revocatory action and in its place substituted the concept of insolvency. This revision restores Article 2041 to its original text as revised in 1984.

\* \* \*

Art. 2534. Prescription

A.(4) The action for redhibition against a seller who did not know of the existence of a defect in the thing sold ~~prescribes and the action asserting that a thing is not fit for its ordinary or intended use prescribe in four~~ two years from the day of delivery of such ~~the~~ thing was made to the buyer or one year from the day the defect or unfitness was discovered by the buyer, whichever occurs first.  
~~(2) However, when the defect is of residential or commercial immovable property, an action for redhibition against a seller who did not know of the existence of the defect prescribes in one year from the day delivery of the property was made to the buyer.~~  
B. The action for redhibition against a seller who knew, or is presumed to have known, of the existence of a defect in the thing sold prescribes in one year from the day the defect was discovered by the buyer or ten years from the perfection of the contract of sale, whichever occurs first.  
C. In any case prescription on an action for redhibition is interrupted when the seller accepts the thing for repairs and commences anew from the day he tenders it back to the buyer or notifies the buyer of his refusal or inability to make the required repairs.

**Revision Comments - 2021**

(a) This revision changes the law to create uniform prescriptive periods for movables and immovables. It maintains the distinction between sellers who knew or should have known of the defect in the thing sold as opposed to those sellers who did not. Prior law created separate prescriptive periods for the sale of movables and for the sale of “residential or commercial immovable[s],” and in many instances it provided a longer prescriptive period for the sale of movables than for immovables. Moreover, the creation of a special prescriptive period for redhibitory defects in “residential or commercial immovable property” created uncertainty as to the prescriptive period for other immovable property. See, e.g., MGD Partners, LLC v. 5-Z Investments, Inc., 145 So. 3d 1053 (La. App. 1 Cir. 2014) (holding that a claim for redhibitory defects in undeveloped immovable property is subject to “the four-year prescriptive period and/or discovery rule of La. Civ. Code art. 2534(A)(1) ... and not the one-year prescriptive period found in La. Civ. Code art. 2534(A)(2), which, by its terms, pertains to residential or commercial immovable property.”) This revision makes all good faith sellers subject to a uniform prescriptive period of two years from the day of delivery of the thing to the buyer or one year from the day the defect was discovered by the buyer, whichever occurs first.  
(b) This revision also unifies the relevant prescriptive periods for actions in redhibition and those for breach of the warranty of fitness for use. Prior law provided no specific prescriptive period for breach of the warranty of fitness for use. Consequently, the ten-year prescription in Article 3499 prevailed. Because the law on redhibition and fitness for use is largely overlapping, the dichotomy between the prescriptive periods could create stark differences in outcome. See, e.g., Cunard Line Ltd. Co. v. Datrex, Inc., 926 So. 2d 109 (La. App. 3 Cir. 2006). This revision unifies the law on prescription for purposes of redhibition and fitness for use. Because the law of sales does not distinguish between good faith and bad faith sellers for purposes of the warranty of fitness for use, this revision does not purport to create different prescriptive periods on that basis.  
(c) This revision also provides clarity regarding the prescriptive period for bad faith sellers. Comment (b) to the 1993 revision suggested that in all cases, “an action in redhibition prescribes ten years from the time of perfection of the contract regardless of whether the seller was in good or bad faith. See C.C. Art. 3499.” Article 3499, by its terms, however, applies only to personal actions in which a prescriptive period is not “otherwise provided by legislation,” whereas this Article comprehensively provides for different prescriptive periods depending both upon the characterization of the property and the good faith or bad faith of the seller. Moreover, courts’ rulings were not consistent in holding whether Article 3499 was applicable in the context of redhibition. See, e.g., Tiger Bend, L.L.C. v. Temple-Inland, Inc., 56 F. Supp. 2d 686 (M.D. La. 1999); Mouton v. Generac Power Systems, Inc., 152 So. 3d 985 (La. App. 3d Cir. 2014); Grenier v. Medical Engineering Corp., 243 F. 3d 200 (5th Cir. 2001). This revision adopts a legislative solution to this issue and provides that liberative prescription for an action against a bad faith seller accrues in one year from when the defect was discovered by the buyer or ten years from the perfection of the contract of sale, whichever occurs first. For the time of perfection for a contract of sale, see Article 2439.

\* \* \*

Art. 3463. Duration of interruption; abandonment or discontinuance of suit  
~~A. An interruption of prescription resulting from the filing of a suit in a competent court and in the proper venue or from service of process within the prescriptive period continues as long as the suit is pending.~~  
~~B. Interruption is considered never to have occurred if the plaintiff abandons the suit, voluntarily dismisses the action suit at any time either before the defendant has made any appearance of record or thereafter, or fails to prosecute the suit at the trial. A settlement and subsequent The dismissal of a defendant suit pursuant to a transaction or compromise shall not qualify as does not constitute a voluntary dismissal pursuant to this Article.~~

**Revision Comments - 2021**

The 2021 revision makes semantic changes and is not intended to change the law.  
Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State



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**ACT No. 415**  
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**HOUSE BILL NO. 85**

BY REPRESENTATIVES MCKNIGHT, ADAMS, BACALA, BAGLEY, BRASS, BUTLER, CARPENTER, GARY CARTER, WILFORD CARTER, CORMIER, COX, DAVIS, EDMONDS, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GAINES, GAROFALO, GREEN, HARRIS, HORTON, HUGHES, ILLG, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, JONES, JORDAN, KERNER, LARVADAIN, MARCELLE, MCFARLAND, DUSTIN MILLER, MOORE, NEWELL, ORGERON, CHARLES OWEN, PIERRE, SCHEXNAYDER, SEABAUGH, SELDERS, ST. BLANC, STAGNI, THOMAS, THOMPSON, TURNER, WILLARD, WRIGHT, AND ZERINGUE AND SENATORS ALLAIN, BARROW, BERNARD, BOUDREAU, BOUIE, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JOHNS, LUNEAU, FRED MILLS, ROBERT MILLS, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH, TALBOT, WARD, WHITE, AND WOMACK

**AN ACT**

To enact Part III of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4032.1, relative to reading assistance for certain public school students; to establish the Steve Carter Literacy Program; to provide for student and service provider eligibility, program administration, payment amounts and uses, notifications, reports, and funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part III of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4032.1, is hereby enacted to read as follows:

**PART III. STEVE CARTER LITERACY PROGRAM**

§4032.1. Steve Carter Literacy Program; establishment; student eligibility; service provider eligibility and approval; administration; payment amounts and uses; notifications; reports; funding

A. The Steve Carter Literacy Program, referred to in this Part as the "program", is hereby established for the purpose of providing funds for supplemental educational services for eligible students.

B. A public school student who falls into one of the following categories is eligible to participate in the program:

(1) He is in kindergarten or the first, second, or third grade and is determined to read below grade level or be at risk for reading difficulties according to the results of a literacy assessment.

(2) He is in the fourth or fifth grade and scored below mastery in English language arts on the state assessment administered the prior school year.

(3) His eligibility cannot be determined according to the measures provided in Paragraphs (1) and (2) of this Subsection due to the lack of literacy assessment or state assessment results but he is recommended by his English language arts teacher for participation in the program due to the student's reading difficulties.

C. The state Department of Education shall administer and provide for the implementation of the program pursuant to rules and regulations developed and adopted for such purpose by the State Board of Elementary and Secondary Education in accordance with the Administrative Procedure Act.

D. In administering the program, the department shall:

(1) Evaluate student's eligibility for the program.

(2) Develop an application process for students and providers and accept applications.

(3) Evaluate providers of supplemental educational services including but not limited to those with expertise in early literacy to determine their initial and continued eligibility for program payments. The department shall establish minimum criteria by which approved providers shall be evaluated to ensure program effectiveness in improving students' reading abilities, including but not limited to performance on approved literacy assessments and the Louisiana Educational Assessment Program state assessment. Providers that fail to demonstrate improvement in students' reading abilities for two consecutive years shall be deemed ineligible to participate in the program.

(4) Remit payments to such providers for services rendered to students in the program with the lowest-performing economically disadvantaged students given the highest priority.

(5) Notify the governing authority of each public school of the application process, requirements, and deadlines for parents and legal guardians.

E. By not later than September thirtieth of each year, or as soon as practicable if a student's reading deficiency is identified after this date, each public school governing authority shall notify the parent or legal guardian of each student who is eligible to participate in the program of the process for applying for the program and other information provided by the department pursuant to Paragraph (D)(5) of this Section.

F.(1) The department shall remit payment for services provided, up to a maximum of one thousand dollars per student per school year. Program money may be used for any of the following eligible purposes that are designed to improve reading or literacy skills:

(a) Books for home use, including electronic or digital books and subscriptions to online book clubs; however, such costs shall not exceed two hundred fifty dollars per school year.

(b) Instructional materials and curriculum, including but not limited to online materials, that have been reviewed in accordance with R.S. 17:351.1 and

have been determined to fully align with state academic content standards.

(c) Tutoring services provided by a person who is trained in the state standards for English language arts and who holds a valid teaching certificate in either elementary education or reading or holds a baccalaureate or graduate degree in education, English, or another subject area indicative of expertise in reading and literacy.

(d) Summer education programs.

(e) After-school education programs.

(2) The department shall remit payments to approved providers on behalf of eligible students.

(3) Any expenses above the limit established in Paragraph (1) of this Subsection shall be the responsibility of the student's parent or legal guardian.

(4) The department shall develop a procedure for verification that students in the program received the services for which payments were made.

G. The department shall submit a report to the House Committee on Education and the Senate Committee on Education by not later than April thirtieth of each year regarding the implementation of the program. The report shall include, at a minimum, the following information for that year:

(1) The total number of students on whose behalf payments were remitted.

(2) The public schools in which such students are enrolled and the number of students on whose behalf payments were remitted in each school.

(3) The total dollar amount of payments remitted to approved providers.

(4) A list of the approved providers to which payments were remitted and the supplemental educational services provided to each student.

(5) A report relative to the performance of each provider and overall program performance with respect to improving participants' reading abilities.

H. Implementation of the program is subject to the appropriation of funds or the availability of any local funds for the purposes of this Part. The department may use any federal or state funds appropriated for the purpose of increasing early literacy or supporting academic achievement among elementary school students to make program payments.

Section 2. The state Department of Education shall provide a written report to the House Committee on Education and the Senate Committee on Education not later than sixty days prior to the beginning of the 2022 Regular Session of the Legislature relative to the feasibility of providing state-approved early literacy training to persons who do not meet the requirements of R.S. 17:4032.1(F)(1)(c) as enacted by this Act in order to equip them with the knowledge and skills necessary to serve as effective providers of tutoring services for the program.

Section 3. If the Act that originated as Senate Bill No. 216 of the 2021 Regular Session of the Louisiana Legislature is enacted and becomes effective, the state Department of Education shall ensure that any person who provides tutoring services through this program successfully completes and provides documentation of successful completion of the early literacy professional development course required by such Act not later than December 31, 2023.

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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**ACT No. 416**  
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**HOUSE BILL NO. 108**

BY REPRESENTATIVES LARVADAIN, ROBBY CARTER, JAMES, AND JEFFERSON

(On Recommendation of the Louisiana State Law Institute)

**AN ACT**

To amend and reenact Code of Civil Procedure Articles 5183(A)(introductory paragraph), (1), and (2) and (B) and 5185(A) and (B), relative to proceeding in forma pauperis; to provide with respect to applications to proceed in forma pauperis; to provide for the rights of parties proceeding in forma pauperis; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 5183(A)(introductory paragraph), (1), and (2) and (B) and 5185(A) and (B) are hereby amended and reenacted to read as follows:

Art. 5183. Affidavits of poverty; documentation; order

A. A person who wishes to exercise the privilege granted in this Chapter shall apply to the court for permission to do so in his first pleading, or in an ex parte written motion if requested later, to which ~~he~~ the applicant shall annex the following:

(1) His The applicant's affidavit that he the applicant is unable to pay the costs of court in advance, or as they accrue, or to furnish security therefor, because of his the applicant's poverty and lack of means, accompanied by any supporting documentation; and,

(2) The affidavit of a third person other than his the applicant's attorney that he knows the applicant, knows his the applicant's financial condition, and believes that he the applicant is unable to pay the costs of court in advance, or as they accrue, or to furnish security therefor.

\* \* \*

B.(1) When Upon the filing of the completed application and supporting affidavits, are presented to the court, it the court shall inquire into the facts, and if satisfied that the applicant is entitled to the privilege granted in this Chapter it shall render an order permitting that does one of the following:

(a) ~~Grants the application and allows the applicant to litigate, or to continue the litigation of, the action or proceeding without paying the costs in advance, or as they accrue, or furnishing security therefor.~~

(b) Denies the application with written reasons for such denial.

(c) Sets the matter for a contradictory hearing.

(2) The submission by the applicant of supporting documentation that the applicant is receiving public assistance benefits or that the applicant's income is less than or equal to one hundred twenty-five percent of the federal poverty level shall create a rebuttable presumption that the applicant is entitled to the privilege granted in this Chapter. If the court finds that the presumption has been rebutted, it shall provide written reasons for its finding.

(3) ~~The court may reconsider such an its original order granting the application on its own motion at any time in a contradictory hearing.~~

Comments - 2021

Paragraph B of this Article has been amended to require the court to do one of three things after a person has filed a completed application to proceed in forma pauperis with the requisite supporting affidavits: (1) grant the application and allow the applicant to proceed in forma pauperis, (2) deny the application and provide written reasons for such denial, or (3) set the matter for a contradictory hearing. The requirement under this provision that written reasons be provided by the court upon the denial of an application is intended to provide the applicant with additional information necessary to, for example, correct a deficiency in the application. The form and contents of these written reasons are left to the discretion of the court.

\* \* \*

Art. 5185. Rights of party permitted to litigate without payment of costs

A. When an order of court permits a party to litigate without the payment of costs until this order is rescinded ~~or expires, he the party~~ is entitled to:

(1) All services required by law of a sheriff, clerk of court, court reporter, notary, or other public officer in, or in connection with, the judicial proceeding, including but not limited to the filing of pleadings and exhibits, the issuance of certificates, the certification of copies of notarial acts and public records, the issuance and service of subpoenas and process, the taking and transcribing of testimony, and the preparation of a record of appeal;

(2)(a) The right to the compulsory attendance of not more than six witnesses for the purpose of testifying, either in court or by deposition, without the payment of the fees, mileage, and other expenses allowed these witnesses by law. If a party has been permitted to litigate without full payment of costs and is unable to pay for witnesses desired by ~~him the party~~, in addition to those summoned at the expense of the parish, ~~he the party~~ shall make a sworn application to the court for the additional witnesses. The application ~~must~~ shall allege that the testimony is relevant and material and not cumulative and that the defendant cannot safely go to trial without it. A short summary of the expected testimony of each witness shall be attached to the application.

(b) The court shall make a private inquiry into the facts and, if satisfied that the party is entitled to the privilege, shall render an order permitting the party to subpoena additional witnesses at the expense of the parish. If the application is denied, the court shall state the reasons for the denial in writing, which shall become part of the record.

(3) The right to a trial by jury and to the services of jurors, when allowed by law and applied for timely; ~~and,~~

(4) The right to have any judgment or order filed and to receive one certified copy of the judgment or order.

(5) The right to a devolutive appeal, and to apply for supervisory writs.

B. ~~He The party~~ is not entitled to a suspensive appeal, or to an order or judgment required by law to be conditioned on his furnishing security other than for costs, unless ~~he the party~~ furnishes the necessary security therefor.

\* \* \*

Comments - 2021

Paragraph (A)(4) of this Article has been added to provide an applicant proceeding in forma pauperis with the right to have a judgment or order filed and to receive a certified copy of such judgment or order, regardless of whether the costs of court have been paid. See Carline v. Carline, 644 So.2d 835 (La. App. 1 Cir. 1994) (holding that it was improper to require a plaintiff proceeding in forma pauperis to pay court costs before providing a certified copy of the judgment rendered in the proceedings).

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 417**

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**HOUSE BILL NO. 119**

**BY REPRESENTATIVE HUGHES AND SENATORS BOUIE AND HARRIS**  
**AN ACT**

To amend and reenact R.S. 17:3138.7(B)(introductory paragraph) and to enact R.S. 17:3138.7(B)(24) and (G)(4), relative to the Advisory Council on Historically Black Colleges and Universities; to provide for membership of the council; to provide for an annual report to the legislature's education committees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138.7(B)(introductory paragraph) is hereby amended and reenacted and R.S. 17:3138.7(B)(24) and (G)(4) are hereby enacted to read as follows:

**§3138.7. Advisory Council on Historically Black Colleges and Universities**

\* \* \*

B. The council shall be composed of ~~twenty-three~~ twenty-four members as follows:

\* \* \*

(24) A student serving as student body president of a public or private HBCU in Louisiana, selected annually by the HBCU student body presidents.

\* \* \*

G. The council shall:

\* \* \*

(4) Submit an annual written report to the House Committee on Education and the Senate Committee on Education, not later than sixty days prior to the Regular Session of the Legislature, detailing its findings and recommendations on all aspects of its work pursuant to this Subsection.

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 418**

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**HOUSE BILL NO. 129**

**BY REPRESENTATIVES BACALA, HUGHES, JAMES, JONES, JORDAN,  
LANDRY, MARINO, AND ORGERON AND SENATORS FIELDS AND  
LAMBERT**  
**AN ACT**

To amend and reenact R.S. 40:2404 (introductory paragraph) and 2404.2(C) and to enact R.S. 15:1212.1(G) and R.S. 40:2401.2, 2401.3, 2404(12), and 2555, relative to peace officers; to provide relative to certain reporting requirements; to provide relative to the recruitment of certain peace officer candidates; to provide relative to certain training requirements; to provide for the implementation of disciplinary policies and procedures; to provide relative to investigations into certain peace officer conduct; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1212.1(G) is hereby enacted to read as follows:

§1212.1. Report to the system; duties of persons and agencies

\* \* \*

G.(1) Failure by a law enforcement agency to provide the data required by R.S. 15:1212(B)(4) within forty-five days of the change in employment status of a law enforcement officer shall result in a civil fine on the agency of up to five hundred dollars per day until the data is provided. Monies collected from such fines shall be directed to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(2) Fines proposed pursuant to Paragraph (1) of this Subsection may be waived or reduced by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice in the event of force majeure or exigent circumstances for good cause shown.

Section 2. R.S. 40:2404 (introductory paragraph) and 2404.2(C) are hereby amended and reenacted and R.S. 40:2401.2, 2401.3, 2404(12), and 2555 are hereby enacted to read as follows:

§2401.2. Recruitment of minority candidates

The council shall develop a policy designed to increase the recruitment of minority candidates for law enforcement positions which may be implemented by governmental entities that employ a peace officer. All governmental entities that employ a peace officer shall either develop and implement a policy designed to increase the recruitment of minority candidates for peace officer positions or adopt and implement the P.O.S.T. recruitment of minority candidate policy referenced in this Section.

§2401.3. Requirement for grant applications

In order to be eligible to apply for and receive any state grants administered or procured by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, any governmental entity that employs a peace officer shall implement an in-service anti-bias training program, as administered by the council, including but not limited to topics such as procedural justice, cultural diversity, community relations, and peer intervention.

\* \* \*

§2404. Powers of the council

In addition to any other powers conferred upon the council ~~elsewhere herein pursuant to this Chapter~~ or by other law, the council shall have the following powers:

\* \* \*

(12) To suspend or revoke P.O.S.T. certification and to develop and implement policies and procedures to suspend or revoke P.O.S.T. certification for misconduct committed by a peace officer.

\* \* \*

§2404.2. Minimum training requirements; basic curriculum; annual training

\* \* \*

C.(1) No later than January 1, 2018, the council shall develop and implement curriculum for de-escalation, bias policing recognition, sudden in-death custody, and crisis intervention training, which shall include training for law enforcement interaction with persons with mental illness and persons with developmental disabilities, for peace officers that consists of classroom or internet instruction, or both.



(2) No later than January 1, 2022, the council shall develop and implement curriculum to provide instruction for law enforcement personnel on procedural justice and duty-to-intervene matters which shall include training for law enforcement personnel that consists of classroom or internet instruction, or both.

\* \* \*

§2555. Officer involved shooting  
A. In the event of an officer-involved shooting which results in death or great bodily harm, the investigators of these incidents shall be accountable only to those agencies which have been certified by the council following the effective date of January 1, 2022.  
B. In addition to agency certification, there shall be within those agencies at least three certified officer-involved investigators who have completed all necessary coursework and subsequent in-service training and law enforcement experience which will establish eligibility for these investigators before training and certification.  
C. The agencies shall also provide for the personnel to be certified through P.O.S.T. for the processing of all evidence associated officer-involved shootings.

Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 419**  
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**HOUSE BILL NO. 170**  
**BY REPRESENTATIVE MARINO**  
**AN ACT**

To enact R.S. 17:392.1(F), relative to students with dyslexia; to require public school governing authorities to report to the state Department of Education and to require the state Department of Education to report to the legislature regarding such students; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 17:392.1(F) is hereby enacted to read as follows:  
§392.1. Screening and intervention; purpose; applicability; city and parish school system, duties

\* \* \*

F.(1) Each public school governing authority shall submit a report to the state Department of Education by October thirty-first annually relative to the occurrence of dyslexia. The report shall include numbers of students of all grade levels identified as dyslexic, either pursuant to the provisions of this Section or R.S. 17:2112, and shall include, per grade, all of the following:  
(a) For students identified as dyslexic through a Section 504 Plan;  
(i) The number initially identified during the preceding school year.  
(ii) The total number.  
(b) For students with an Individualized Education Plan identified as having a specific learning disability, dyslexia:  
(i) The number initially identified during the preceding school year.  
(ii) The total number.(2) The state Department of Education shall compile the reports received pursuant to Paragraph (1) of this Subsection and report such data to the House Committee on Education and the Senate Committee on Education no later than December first annually.  
Approved by the Governor, June 21, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 420**  
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**HOUSE BILL NO. 211**  
**BY REPRESENTATIVE WRIGHT**  
**AN ACT**

To amend and reenact R.S. 17:4035.1(C) through (E) and to enact R.S. 17:4035.1(F), (G), and (H), relative to public school choice; to provide relative to school funding; to provide relative to the applicability of school and district accountability; to provide for an appeals process for public school choice enrollment denials; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 17:4035.1(C) through (E) are hereby amended and reenacted and R.S. 17:4035.1(F), (G), and (H) are hereby enacted to read as follows:  
§4035.1. Public School Choice school choice

\* \* \*

C.(1) If a school or governing authority denies the enrollment request of a prospective student for an intradistrict transfer, the parent or legal guardian of the student may request a review of the denial of the transfer requested by the State Board of Elementary and Secondary Education. Within ninety days of receipt of a request for review, the state board shall determine if the capacity policy established for the school was followed. If the state board determines that the school's policy was not followed, the school's governing authority shall reconsider the transfer request. However, the state board shall not approve any transfer request that would exceed the enrollment capacity of a school or classroom, as established by the school's governing authority.

(2) The state board shall adopt rules required for implementation of this Subsection.

D. Notwithstanding the provisions of R.S. 17:158 to the contrary, a school system shall not be required to provide transportation to any student enrolled in a public school pursuant to this Section that is located outside of the geographic boundaries of the school system in which the student resides, if providing such transportation will result in additional cost to the school system.

Ð. E. Any student enrolled in a public school pursuant to the provisions of this Section shall be counted by the local public school system in which he is enrolled for purposes of the minimum foundation program and formula, and any other available state or federal funding for which the student is eligible.

E. F.(1) The governing authority of each public elementary and secondary school shall work collaboratively and cooperatively to ensure compliance with the provisions of this Section and shall adopt a policy to govern student transfers authorized by this Section. Each governing authority shall develop a definition for "capacity" for each school and shall incorporate it into written policy. The policies shall include:

(a) A definition of "capacity" for each school.  
(b) The transfer request period, which shall begin no later than March first and end no earlier than March twenty-eighth, annually.  
(2) Prior to the transfer request period, the public school governing authority shall notify parents and legal guardians of students enrolled in a school that received a "D" or "F" school performance letter grade pursuant to the state's school and district accountability system for the most recent school year of the following:  
(a) The provisions of this Section.  
(b) The schools under the jurisdiction of the governing authority that received an "A", "B", or "C" school performance letter grade, if any.  
(c) The process for submitting student transfer requests.  
(d) The page on the state Department of Education's website that contains school performance data.

(3) Such policies shall be posted to the school governing authority's website no later than September 30, 2018, January 1, 2022, and reported to the state Department of Education no later than December 31, 2018 January 30, 2022.  
(2)(4) Any student transfer pursuant to the provisions of this Section shall comply with the policy adopted by the governing authority of the school in which the student seeks to enroll.

G. The state board shall report to the House Committee on Education and the Senate Committee on Education no later than October thirty-first annually regarding student transfers including but not limited to the following information, disaggregated by economically disadvantaged status and race and ethnicity:

(1) The number of interdistrict student transfer requests received, accepted, appealed, and denied during the most recent school year.  
(2) The number of intradistrict student transfer requests received, accepted, appealed, and denied during the most recent school year.  
H. The provisions of this Chapter shall not be construed as requiring a school with selective admission requirements to enroll a student who does not meet those requirements, regardless of whether the school has excess capacity.

Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 421**  
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**HOUSE BILL NO. 218**  
**BY REPRESENTATIVE HUVAL**  
**AN ACT**

To amend and reenact Children's Code Articles 1151 and 1152(A), (C)(1), (F) (introductory paragraph), (G), and (H), relative to laws providing for safe and anonymous relinquishment of an infant to the state known as the Safe Haven Law; to authorize the installation of newborn safety devices at certain places for infant relinquishment known as designated emergency care facilities; to provide that a parent may relinquish an infant into a newborn safety device; to provide requirements and specifications for newborn safety devices; to provide for responsibilities of certain facilities with respect to the installation and maintenance of newborn safety devices; to provide for promulgation of healthcare facility licensing rules by the Louisiana Department of Health regarding newborn safety devices installed in hospitals; to make technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 1151 and 1152(A), (C)(1), (F)(introductory paragraph), (G), and (H) are hereby amended and reenacted to read as follows:  
Art. 1151. Relinquishment of infants; defense to prosecution

A.(1) If a parent wishes to relinquish his infant, he may leave the infant in the care of any employee of a designated emergency care facility or in a newborn safety device that meets the specifications provided in Subparagraph (2) of this Paragraph and is physically located inside of a facility which is licensed as a hospital in accordance with the Hospital Licensing Law, R.S. 40:2100 et seq., and has an emergency department that is staffed twenty-four hours per day.

(2) Each newborn safety device shall meet all of the following specifications:(a) The device has been voluntarily installed by the designated emergency care facility.

(b) The device is installed in a location that ensures the anonymity of the relinquishing parent and has a climate-controlled environment.

(c) The device is installed by a licensed contractor.

(d) The access door to the device locks automatically upon closure when a newborn is in the device.

(e) The supporting frame of the device is anchored so as to align the bed portion of the device directly beneath the access door and prevent movement of the unit as a whole.

(f) The device features a safe sleep environment which includes a firm, flat bassinet mattress and a sheet that fits snugly on and overlaps the mattress and is free of pillows, bumpers, blankets, and other bedding.

(3) Each designated emergency care facility that installs a newborn safety device shall post department-approved signage at the site of the device that clearly identifies the device and provides both written and pictorial instruction to the relinquishing parent to open the access door, place the infant inside the device, and close the access door to engage the lock. The signage shall also clearly indicate all of the following:

(a) The maximum age of an infant who may be relinquished in accordance with this Chapter.

(b) That the child must not have been previously subjected to abuse or neglect.

(c) That by placing an infant in the newborn safety device, a parent is foregoing all parental responsibilities with respect to the infant and is giving consent for the state to take custody of the infant.

B. If the parent is unable to travel to such a designated emergency care facility, he may call “911”, and a fireman firefighter, a law enforcement officer, or an emergency medical service provider shall immediately be dispatched to meet the parent and transport the child to a hospital, and to ensure that all requirements listed in Article 1152(D) through (I) have been met.

B. C. Relinquishment of an infant in accordance with this Chapter is not a criminal act of neglect, abandonment, cruelty, or a crime against the child.

Art. 1152. Designated emergency care facility, emergency medical service provider, fireman firefighter, and law enforcement officer responsibilities; newborn safety devices authorized

A.(1) Every designated emergency care facility shall appoint as its representative one or more employees on duty during regular business hours who is knowledgeable about the requirements of this Chapter. In addition, at other times each facility shall designate a representative who can be reached by emergency telephone service or post instructions to contact “911” for a safe haven relinquishment if outside of normal operating hours.

(2)(a) A designated emergency care facility that is a hospital licensed in accordance with the Hospital Licensing Law, R.S. 40:2100 et seq., which has an emergency department that is staffed twenty-four hours per day may install on its premises a newborn safety device in accordance with the requirements and specifications of Article 1151(A).

(b) A designated emergency care facility that installs a newborn safety device as authorized by this Paragraph shall be responsible for the cost of the installation.

(c) Each designated emergency care facility that installs a newborn safety device as authorized by this Paragraph shall install an adequate dual alarm system connected to the physical location of the newborn safety device. The facility shall ensure all of the following with respect to the alarm system:

(i) The system generates an audible alarm at a central location within the facility sixty seconds after the opening of the access door to the newborn safety device.

(ii) The system generates an automatic call to 911 if the alarm is activated and not turned off from within the facility less than sixty seconds after the commencement of the initial alarm.

(iii) The alarm system is tested at least one time per week to ensure that it is in working order.

(iv) The alarm system is visually checked at least two times per day to ensure that it is in working order.

(d) Each designated emergency care facility that installs a newborn safety device as authorized by this Paragraph shall ensure that the device is checked at least daily for debris and is cleaned and sanitized with a hospital-quality disinfectant at least weekly and after any newborn relinquishment into the device.

(e) Each designated emergency care facility that installs a newborn safety device as authorized by this Paragraph shall maintain documentation of the testing of the alarm system required by Subsubparagraph (c) of this Subparagraph and the cleaning and sanitation of the device required by Subsubparagraph (d) of this Subparagraph.

(f) Each designated emergency care facility that installs a newborn safety device as authorized by this Paragraph shall install adjacent to the device a card holder and shall keep the card holder stocked with safe haven informational cards supplied by the department pursuant to Paragraph D of this Article and other safe haven informational materials produced in accordance with Article 1160.

(g) Each designated emergency care facility that installs a newborn safety device as authorized by this Paragraph shall adopt written policies for receiving, in accordance with the applicable requirements of this Chapter and applicable licensing rules, a newborn who has been relinquished into the newborn safety device.

(3) The Louisiana Department of Health may promulgate hospital licensing rules, in accordance with the Administrative Procedure Act, regarding newborn safety devices installed in hospitals. Such rules shall require compliance with the provisions of this Chapter and may include but not be limited to adequate alarms, testing, cleaning, documentation, policies, procedures, and training of staff.

\* \* \*

C. Instruction by a designated emergency care facility on safe haven relinquishment procedures may:

(1) Be provided in any manner that is deemed appropriate and sufficient by the facility, subject to any applicable healthcare facility licensing requirements.

\* \* \*

F. The representative, emergency medical service provider, fireman firefighter, or law enforcement officer shall provide to the parent written information about:

\* \* \*

G. In the event that an infant is relinquished to a designated emergency care facility other than a hospital, or to an emergency medical service provider, fireman firefighter, or law enforcement officer, the staff of the facility, the provider, the fireman firefighter, or the law enforcement officer shall immediately transfer him the infant to a hospital.

H. The representative, provider, fireman firefighter, or law enforcement officer shall immediately notify the department of the relinquishment.

\* \* \*

Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 422

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HOUSE BILL NO. 374

BY REPRESENTATIVE DUPLESSIS

AN ACT

To enact R.S. 9:3258.1, relative to residential leases; to provide for notice to applicants by certain lessors of residential properties; to provide for exceptions; to provide for personal hardship statements after a declared disaster or emergency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3258.1 is hereby enacted to read as follows:

§3258.1. Residential lease application requirements

A. A lessor shall not require payment of an application fee unless, prior to accepting the payment, the lessor gives written notice of all of the following:

(1) The amount of the application fee.

(2) Whether the lessor considers credit scores, employment history, criminal history, or eviction records in deciding whether to rent or lease to the applicant.

(3) That the applicant may share, in good faith, a statement of two hundred words or less explaining that the applicant has experienced financial hardship resulting from a state or federally declared disaster or emergency and how that hardship impacted the applicant's credit, employment, or rental history.

(4) The lessor's notice regarding the statement of financial hardship shall reference the COVID-19 pandemic and hurricanes.

B. Notice required by this Section may be delivered, stored, and presented by electronic means if the electronic means meet the requirements of the Louisiana Uniform Electronic Transactions Act, as provided in R.S. 9:2601, et seq.

C. This Section shall apply to all lessors of property to be used as a lessee's primary residence except for owner-occupied buildings consisting of no more than four units.

D. No person shall have a cause of action against a lessor or a lessor's agents or employees for any alleged violation of this Section, and a lessor and a lessor's agents and employees are hereby immune from any and all causes of action for alleged violations of this Section.

\* \* \*

Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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ACT No. 423

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HOUSE BILL NO. 388

BY REPRESENTATIVES HARRIS AND HODGES

AN ACT

To amend and reenact R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), and (G) (introductory paragraph), (6), and (7), and 1315(B) and to repeal R.S. 18:1313.2, relative to the preparation, verification, tabulation, and counting of absentee by mail and early voting ballots; to provide for the timing of such processes; to provide relative to elections impaired as the result of a declared disaster or emergency; to provide for an effective date; and to provide for related matters.



Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:423(J), 1313.1(A), (B), (C)(1), (E), and (G)(introductory paragraph), (6), and (7), and 1315(B) are hereby amended and reenacted to read as follows:

~~§423. Parish boards of election supervisors~~

J.(4) Notwithstanding Subsection E of this Section, in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.1, a member of the board may be compensated not more than eight days for a presidential or regularly scheduled congressional general election or seven days for any other primary or general election.

~~(2) Notwithstanding any provision of this Section to the contrary, in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.2, a member of the board may be compensated not more than eleven days for a presidential or regularly scheduled congressional general election or ten days for any other primary or general election if any such election is impaired as the result of a declared emergency or disaster.~~

§1313.1. Preparation, verification, tabulation, and counting of absentee by mail and early voting ballots; ~~parishes with one thousand or more absentee by mail ballots~~

A.(1)(a) ~~Parishes with one thousand or more absentee by mail ballots returned to the registrar of voters for a primary or general election may conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots for a primary or general election the day before the election.~~

~~(b) However, with the written approval of the secretary of state, parishes may conduct the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballot for a primary or general election beginning three days before the election.~~

~~(2) and conduct the~~ The tabulation and counting of absentee by mail and early voting ballots shall be conducted on election day.

B. The parish board of election supervisors shall be responsible for the preparation, verification, counting, and tabulation of all absentee by mail and early voting ballots in the parish. The board may utilize parish board commissioners to count the absentee by mail and early voting ballots in the parish. If the board determines that parish board commissioners are necessary for the preparation and verification process to count and tabulate the absentee by mail and early voting ballots ~~the day~~ before the election and to count and tabulate the absentee by mail and early voting ballots on election day, it shall select parish board commissioners in accordance with the provisions of R.S. 18:1314. If a majority of the members of the board are not present for the preparation and verification process to count the absentee by mail and early voting ballots or to count the absentee by mail and early voting ballots and no parish board commissioners were previously selected, the members present may select a sufficient number of parish board commissioners ~~on the day three days~~ before the election or on election day, as applicable, to assist in the preparation and verification process for the tabulation and counting of absentee by mail and early voting ballots and the tabulation and counting of the ballots.

C.(1) The preparation and verification process for the counting of the absentee by mail and early voting ballots may be conducted ~~the day~~ before the election at a public facility within the parish designated by the registrar of voters at a time fixed by the parish board of election supervisors.

E. Candidates, their representatives, and qualified electors may be present during the preparation and verification process for the counting and tabulation of absentee by mail and early voting ballots ~~on the day~~ before the election and the counting and tabulation of absentee by mail and early voting ballots on election day. If the counting and tabulation of absentee by mail and early voting ballots begins prior to the closing of the polls on election day, the board shall give notice reasonably calculated to inform any person who wants to be present during the counting and tabulation that no person will be allowed to leave or to communicate with any other person outside, until such time as the polls are closed, nor shall any person who is present during the counting and tabulation of absentee by mail and early voting ballots on election day possess a cellular telephone or electronic communication device.

G. The procedure for the preparation and verification process for the tabulation and counting of absentee by mail ballots and early voting paper ballots ~~on the day~~ before the election shall be as follows:

(6) A member of the board shall place the absentee by mail ballots and early voting paper ballots that have been challenged and the ballots that have not been challenged in the special absentee by mail envelope or container provided for that purpose and seal the envelope or container. Two members of the board shall execute the first certificate on the envelope or container and date the certificate ~~the day with the date on which it was executed~~ before the election.

(7) The members of the board shall place the certificates of the absentee by mail ballots and early voting paper ballots that have not been challenged and the flaps removed from those ballots in the envelope or container provided for that purpose and seal the envelope or container. Two of the members

shall execute the first certificate on the envelope and date the certificate ~~the day with the date on which it was executed~~ before the election.

§1315. Challenge of absentee by mail or early voting ballot

B.(4) During the preparation and verification process for the counting of absentee by mail and early voting ballots ~~on the day~~ before the election, as applicable, or the counting of absentee by mail and early voting ballots on election day, any candidate or his representative, member of the board, or qualified elector may challenge an absentee by mail or early voting ballot for cause, other than those grounds specified in R.S. 18:565(A).

~~(2) Notwithstanding Paragraph (1) of this Subsection, for elections impaired as a result of a declared disaster or emergency, during the preparation and verification process for the counting of absentee by mail and early voting ballots before an election in accordance with R.S. 18:1313.2, or the counting of absentee by mail and early voting ballots on election day in accordance with R.S. 18:1313.2, any candidate or his representative, member of the board, or qualified elector may challenge an absentee by mail or early voting ballot for cause, other than those grounds specified in R.S. 18:565(A).~~

Section 2. R.S. 18:1313.2 is hereby repealed in its entirety.

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 424**

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HOUSE BILL NO. 391

BY REPRESENTATIVES MAGEE, BRYANT, GARY CARTER, WILFORD CARTER, COX, DUPLESSIS, FREEMAN, GREEN, HUGHES, JAMES, TRAVIS JOHNSON, LANDRY, LARVADAIN, LYONS, MARCELLE, MARINO, NELSON, NEWELL, PIERRE, SELTERS, AND WILLARD

AN ACT

To amend and reenact R.S. 40:1046(A)(1) and (C)(2)(e) and to enact R.S. 40:1046(A)(5) and (C)(2)(l), relative to recommendation by physicians of marijuana for therapeutic use, known also as medical marijuana; to provide for forms of medical marijuana which a physician may recommend; to establish limitations on dispensing of certain forms of medical marijuana; to provide for rules and regulations of the Louisiana Board of Pharmacy relative to medical marijuana; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(A)(1) and (C)(2)(e) are hereby amended and reenacted and R.S. 40:1046(A)(5) and (C)(2)(l) are hereby enacted to read as follows:

§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations of the Louisiana State Board of Medical Examiners and Louisiana Board of Pharmacy; production facility licensing by the Department of Agriculture and Forestry

A.(1) Notwithstanding any other provision of this Part, any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in this state may recommend, in any form as permitted by the rules and regulations of the Louisiana Board of Pharmacy, ~~except for inhalation, and~~ raw or crude marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols for therapeutic use by any patient clinically diagnosed as suffering from a debilitating medical condition. Nothing in this Paragraph shall be construed to prevent the Louisiana Board of Pharmacy from permitting, by rule, medical marijuana in a form to be administered by metered-dose inhaler. For purposes of this Section, “metered-dose inhaler” means a device that delivers a specific amount of medication to the lungs, in the form of a short burst of medicine that is usually self-administered by the patient via inhalation.

~~(5)(a) No pharmacy authorized to dispense marijuana for therapeutic use in accordance with the provisions of this Section shall dispense more than two and one-half ounces, or seventy-one grams, of raw or crude marijuana every fourteen days to any individual patient.~~

~~(b) No pharmacy authorized to dispense marijuana for therapeutic use in accordance with the provisions of this Section shall dispense raw or crude marijuana to any person under twenty-one years of age without a recommendation from a physician specifically recommending marijuana in raw or crude form for that person.~~

C.

(2) The rules shall include but not be limited to:

(e) The establishment of standards, procedures, and protocols to ensure that all recommended therapeutic marijuana dispensed, except for raw or crude marijuana, is consistently pharmaceutical grade.

(l) The limitations on dispensing of raw or crude marijuana as provided in Paragraph (A)(5) of this Section.

Section 2. This Act shall become effective on January 1, 2022.

Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 425**

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HOUSE BILL NO. 423  
BY REPRESENTATIVES EMERSON AND EDMONDS  
AN ACT

To amend and reenact R.S. 40:1061.21(A)(4) and R.S. 44:4.1(B)(26) and to enact R.S. 40:1061.21(E) and 2109.1, relative to abortion; to provide for certain reports regarding abortions; to provide for certain reports related to complications of surgical procedures as a result of an abortion; to provide for the promulgation of rules; to provide for an exception to the Public Records Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1061.21(A)(4) is amended and reenacted and R.S. 40:1061.21(E) and 2109.1 are hereby enacted to read as follows:

§1061.21. Reports

A. An individual abortion report for each abortion performed or induced shall be completed by the attending physician. The report shall be confidential and shall not contain the name or address of the woman. The report shall include:

\* \* \*

(4) The parish and ~~municipality~~ zip code, if any, in which the pregnant woman resides.

\* \* \*

E. The Louisiana Department of Health shall, on a quarterly basis, provide to the Department of Children and Family Services and to the attorney general copies of all abortion reports in which a minor pregnant woman under the age of thirteen received an abortion.

\* \* \*

§2109.1. Hospitals reports on complications of surgical procedures resulting from an abortion

A. A hospital licensed by the Louisiana Department of Health, pursuant to this Part shall submit a report to the department on patients who present for treatment in the emergency department as a result of complications after an abortion as defined in R.S. 40:1061.9. The report shall be confidential, shall be exempt frm disclosure pursuant to the Public Records Law, R.S. 44:1 et seq., and shall not contain the name or address of the patient.

B. The Louisiana Department of Health, in consultation with the Louisiana State Board of Medical Examiners, shall promulgate rules regarding the electronic coding, reporting, and tracking of complications after any abortion that is treated at any hospital.

C.(1) The report required by Subsection A of this Section shall include the following information, if known:

(a) The date of the abortion,

(b) The name and address of the facility where the abortion was performed or induced,

(c) The nature of the abortion complication diagnosed or treated.

(d) The name and address of the facility where the post-abortion care was performed.

(2) Each facility that is subject to the requirements of this Section shall ensure that a staff member of the facility attempts to obtain the information required by Paragraph (1) of this Subsection from any patient prior to the patient's discharge from the facility who presents for treatment in the emergency department of the facility as a result of complications after an abortion.

(3) The report shall be submitted on a form created by the Louisiana Department of Health. The Louisiana Department of Health shall publicly report aggregate data annually by facility where the abortion was performed or induced.

Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

\* \* \*

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

\* \* \*

(26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 973.1, 978.2.1, 1007, 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1168.3, 1171.4, 1203.4, 1231.4, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020, 2106, 2109.1, 2138, 2175.7(B)(1), 2532, 2845.1

\* \* \*

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 426**

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HOUSE BILL NO. 435  
BY REPRESENTATIVE ROMERO  
AN ACT

To amend and reenact R.S. 27:402(18) and 405(C)(1) through (5), relative to video draw poker devices; to provide relative to the definition of video draw poker; to provide relative to the games offered by video draw poker devices; to provide relative to the method of operation of the games of video draw poker or card games; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:402(18) and 405(C)(1) through (5) are hereby amended and reenacted to read as follows:

§402. Definitions

As used in this Chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

\* \* \*

(18) "Video draw poker" means any card game approved by the division that utilizes one ~~deck~~ or more decks of cards per hand with multiple hands permitted per game.

\* \* \*

§405. Description and specifications of devices

\* \* \*

C. Each video draw poker device shall offer the game of draw poker or such other card games as are approved by the division and have the following method of operation:(1) The cards ~~must~~ shall be shuffled after each hand is dealt.

(2) Each hand ~~must~~ shall utilize ~~a deck~~ one or more decks of cards consisting of fifty-two standard playing cards each, and up to two jokers per deck may also be used. The ~~deck~~ must decks shall be shuffled by use of a random number generator to exchange each card in ~~the a~~ a deck with another randomly selected card.

(3) After shuffling, a required number of cards ~~must~~ shall be dealt from the top of ~~the a~~ a deck.

(4) Any discarded cards ~~must~~ shall be replaced by remaining cards in ~~the a~~ a deck, starting with the next subsequent card and using the cards in the order of the deck.

(5) The game ~~must~~ shall display the hands for which won games or credits will be awarded and the number of won games or credits for each hand, not to exceed the value of one thousand dollars.

\* \* \*

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 427**

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HOUSE BILL NO. 541  
BY REPRESENTATIVE ILLG  
AN ACT

To amend and reenact R.S. 27:30.6(A)(2), (3), and (4) and (B) through (F) and to repeal R.S. 27:30.6(G) and (I), relative to electronic gaming devices; to provide relative to the monitoring and reading of certain gaming devices; to provide that electronic gaming devices at certain gaming establishments shall be connected to a licensee's central computer system, casino management system, and slot machine management system for the purpose of monitoring device activities; to provide relative to monitoring or reading of personal or financial information concerning patrons of gaming activities conducted on riverboats or live racing facilities; to provide relative to the assessment and collection of fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:30.6(A)(2), (3), and (4) and (B) through (F) are hereby amended and reenacted to read as follows:

§30.6. Electronic gaming devices; licensee's central computer system

A. The legislature hereby finds and declares that:

\* \* \*

(2) In order to maintain the security and integrity of electronic gaming devices and for ensuring accurate and thorough accounting procedures, the law mandates that all licensed video draw poker devices, video pull-tabs, electronic gaming devices on licensed riverboats, and slot machines at live racing facilities be connected to ~~a central computer~~ each licensee's central computer system, casino management system, and slot machine management system as applicable, to which the division and board have complete and unrestricted access to the information contained therein. Likewise the casino operating contract provides for complete and unrestricted access to information contained within their centralized computer to the office of state police and the Louisiana Gaming Control Board. The legislature finds that it is in the best interest of the state and the general public that all electronic gaming devices licensed in this state should be subject to this type of monitoring ~~and accordingly that all electronic gaming devices should be linked by telecommunication to a central computer system.~~

(3) The present level of technology in electronic gaming devices makes it both feasible and efficacious to require all electronic gaming devices on licensed riverboats in this state to be linked by telecommunication to ~~a central licensee's~~ each licensee's computer system which will facilitate the monitoring and reading



of the devices for the purposes of maintaining the security and integrity of the devices and the integrity of the information reported to the system, in order to ensure that licensees meet their financial obligations to the state.

(4) The most efficient, accurate, and honest regulation of the gaming industry in this state can best be facilitated by establishing a ~~central licensee~~ computer system under which all electronic gaming devices will be linked to that system by telecommunication to provide superior capability of auditing, reporting, and regulation of that industry.

B. Any electronic gaming device which is included in the definition of “game”, “gaming device”, and “gaming equipment”, as provided for in R.S. 27:44(10) or (12) or in the definition of “slot machine” as provided for in R.S. 27:44(24) or 353(14), or which is included in the definitions in the rules adopted or enforced by the Louisiana Gaming Control Board, or which is otherwise regulated by Chapters 4 and 7 of this Title shall be linked by telecommunication to a ~~central~~ the licensee’s computer system for purposes of monitoring and reading device activities as provided for in this Section.

C. The provisions of this Section shall apply to any electronic gaming device operated by the holder of a license as defined in R.S. 27:44(14) and regulated by the provisions of Chapter 4 of this Title and to any electronic gaming device operated by the holder of a license as defined in R.S. 27:353(5) and regulated by the provisions of Chapter 7 of this Title.

D. The ~~central licensee’s~~ computer system authorized by the provisions of this Section shall be designed and operated to allow the monitoring and reading of electronic gaming devices on licensed riverboats and at live racing facilities for the purposes of maintaining the security and integrity of the devices and the integrity of the information reported to the system, so that the fiscal responsibility of the licensees with regard to their obligations to the state will be ensured. ~~The central computer system authorized by the provisions of this Section shall be administered by the Department of Public Safety and Corrections, office of state police, gaming division.~~

E. The ~~central licensee’s~~ computer system shall be capable of monitoring and reading financial aspects of each electronic gaming device such as cash in, cash out, amount played, amount won, games played, and games won. As used in this Subsection, “cash” means coins, currency, tokens, credits, or any other thing of value which is used to play or operate an electronic gaming device or which is used to pay the winnings from playing or operating an electronic gaming device.

F. The ~~central licensee’s~~ computer system shall provide for the monitoring and reading of exception code reporting such as an on-line computer alert, alarm monitoring capability to ensure direct scrutiny of conditions detected and reported by the electronic gaming device, including any device malfunction, any type of tampering, and any open door to the drop area.

Section 2. R.S. 27:30.6(G) and (I) are hereby repealed in their entirety.  
Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 428**  
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SENATE BILL NO. 4  
BY SENATOR PRICE  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To repeal R.S. 18:1505.2(H)(7), relative to limits on campaign contributions received from political committees; to eliminate certain restrictions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 18:1505.2(H)(7) is hereby repealed.  
Approved by the Governor, June 21, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 429**  
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SENATE BILL NO. 27  
BY SENATORS FOIL, ABRAHAM, BARROW, BERNARD, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FIELDS, HARRIS, HENSGENS, HEWITT, JACKSON, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT AND WOMACK  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 17:3138.5(A), (B)(1), the introductory paragraph of (B)(2), (B)(2)(a), and (D)(4), and 3165.2(A), (B), (C)(1)(b), and (E), relative to postsecondary education; to expand the eligibility for designation as military and veteran friendly campus to all postsecondary education institutions in Louisiana; to provide for the transfer of academic and workforce credits earned by military members and their spouses to Louisiana’s public postsecondary education institutions; and to provide for related matters.

\* As it appears in the enrolled bill

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 17:3138.5(A), (B)(1), the introductory paragraph of (B)(2), (B)(2)(a), and (D)(4), and 3165.2(A), (B), (C)(1)(b), and (E) are hereby amended and reenacted to read as follows:

§3138.5. Military and veteran friendly campus; designation; process; eligibility; applications

A.(1) The legislature finds that military veterans need comprehensive, statewide support to aid them in transition from military service to enrollment in public postsecondary education institutions. This support should encourage such the enrollment of veterans and address issues that may deter their participation in public postsecondary education. These issues include but are not limited to affordability, lack of awareness by postsecondary faculty and staff of veterans’ culture, the need for orientation and mentoring programs designed specifically for veterans, and the facilitation of credit completion by veterans as efficiently and quickly as possible.

(2) The purpose of this Section is to provide formal recognition by the governor of state public postsecondary education institutions **in Louisiana** that successfully create a supportive environment for military veterans.

B.(1) The Board of Regents shall establish a process for a public postsecondary education institution to be designated as a “Governor’s Military and Veteran Friendly Campus” ~~beginning with the Fall 2015 semester.~~

(2) To be eligible to receive the designation as specified in Paragraph (1) of this Subsection, an institution shall, **at a minimum**, meet all of the following criteria:

(a)(i) **Adopt For public postsecondary education institutions, adopt** and fully implement the military articulation and transfer process as provided in R.S. 17:3165.2.

(ii) **For nonpublic postsecondary education institutions, adopt and fully implement a military friendly articulation and transfer process that aligns with nationally recognized standards for evaluating educational experiences in the United States Armed Forces.**

\* \* \*  
D.  
\* \* \*

(4) After receiving the initial designation by the governor, an institution annually shall submit a renewal application to the Board of Regents in accordance with the time lines established by the board. Each renewal application shall include a report that, **at a minimum**, contains all of the following information from the previous year as it relates to veterans:

- (a) The number granted application fee waivers.
- (b) The number who attended the specialized orientation program and a description of the orientation program.
- (c) The number who participated in the priority class registration.
- (d) The number who benefitted from the military articulation and transfer process as provided in ~~R.S. 17:3165.2 Subparagraph (B)(2)(a) of this Section~~, the number of credits hours accepted through the transfer process, and a list of the courses credited through the transfer process.
- (e) **The completion rates of veterans, their spouses, and their children.**
- (f) **Other military friendly information identified by the Board of Regents.**

\* \* \*  
§3165.2. College credit for military service; spouses of veterans

A.(1) Each articulation and transfer agreement developed and implemented in accordance with this Chapter shall maximize the number of academic or workforce education credits awarded to veterans of the United States Armed Forces for their military education, training, or experience and provide for their seamless transfer from **military service to enrollment in any Louisiana public postsecondary education institution and from** one public postsecondary education institution to another.

(2) The council shall use the ~~“Guide to the Evaluation of Educational Experiences in the Armed Services” and the standards of the American Council on Education~~ **nationally recognized standards for evaluating educational experiences in the United States Armed Forces** to govern the award of academic or workforce credit for military education, training, or experience.

B. Each public postsecondary education institution shall assist veterans of the United States Armed Forces and their spouses in pursuing their educational goals by providing expedited transcript analysis, prior learning assessment, portfolio analysis, advising, and testing. **At Upon the disclosure of military status on the application for enrollment or at** the request of an entering student who is a veteran or the spouse of a veteran, each public postsecondary education institution shall evaluate any transcript of prior earned postsecondary academic **or workforce** credit and accept the transfer of any credit earned from a regionally accredited postsecondary institution, **or military education, training, or experience** provided that the credit aligns with the course and program requirements of the receiving institution.

C.(1) The Statewide Articulation and Transfer Council shall coordinate and oversee the development of a military articulation and transfer process that shall be adhered to by all public postsecondary education institutions and that shall:

- \* \* \*
- (b) Provide for the transfer of academic **and workforce** credit hours earned by a veteran or the spouse of a veteran from a postsecondary education institution that offers academic coursework to military personnel and their spouses, provided such institution is accredited by the appropriate regional accrediting body and the credit to be transferred is aligned with the course and program requirements of the receiving institution.

\* \* \*

E.(1) The Statewide Articulation and Transfer Council shall meet not later than September 15, 2015, to begin the process of implementing the provisions of this Section.

(2) The provisions of this Section shall be fully implemented not later than the beginning of the Spring semester of the 2015-2016 academic year. **For the purposes of this Section, “veteran” shall have the meaning as provided in R.S. 13:5364.**

\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 21, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 430**

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SENATE BILL NO. 34  
BY SENATORS FIELDS AND CARTER  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through 2553, and Code of Criminal Procedure Article 162.3, relative to law enforcement; to provide for body-worn cameras; to provide for motor vehicle dash cameras; to restrict use of neck restraints; to restrict the use of no-knock warrants; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2551 through 2553, is hereby enacted to read as follows:

**CHAPTER 25-A. RESPONSIBILITIES OF LAW ENFORCEMENT**  
**OFFICERS WHILE INTERACTING WITH THE PUBLIC**

**§2551. Use of body-worn cameras**

**No later than January 1, 2022, any law enforcement agency that utilizes body-worn cameras shall adopt a policy regarding the activation and deactivation of such cameras by the officer.**

**§2552. Use of motor vehicle dash cameras**

**No later than January 1, 2022, any law enforcement motor vehicle that is equipped with a dash camera that has the technology to automatically record upon the activation of the motor vehicle's police emergency lights shall utilize that technology.**

**§2553. Neck restraint prohibition**

**The use of choke holds and carotid holds are prohibited, except when the officer reasonably believes he or another person is at risk of great bodily harm or when deadly force is authorized.**

Section 2. Code of Criminal Procedure Article 162.3 is hereby enacted to read as follows:

**Art. 162.3. No-knock warrant**

**A. No law enforcement officer shall seek, execute, or participate in the execution of a no-knock warrant, except in cases where both of the following apply:**

**(1) The affidavit supporting the request for the warrant establishes probable cause that exigent circumstances exist requiring the warrant to be executed in a no-knock manner. For purposes of this Subparagraph, exigent circumstances shall include circumstances where the surprise of a no-knock entry is necessary to protect life and limb of the law enforcement officers and the occupants.**

**(2) The copy of the warrant being executed that is in the possession of law enforcement officers to be delivered as provided in Paragraph C of this Article includes the judge's signature.**

**B. A search warrant authorized under this Article shall require that a law enforcement officer be recognizable and identifiable as a uniformed law enforcement officer and provide audible notice of his authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant.**

**C. After entering and securing the place to be searched and prior to undertaking any search or seizure pursuant to the search warrant, the executing law enforcement officer shall read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place to be searched is unoccupied, the executing law enforcement officer shall leave a copy of the search warrant suitably affixed to the place to be searched.**

**D. Search warrants authorized under this Article shall be executed only from sunrise to sunset except in either of the following instances:**

**(1) A judge authorizes the execution of such search warrant at another time for good cause shown.**

**(2) The search warrant is for the withdrawal of blood. A search warrant for the withdrawal of blood may be executed at any time of day.**

**E. Any evidence obtained from a search warrant in violation of this Article shall not be admitted into evidence for prosecution.**

**F. For purposes of this Article, “no-knock warrant” means a warrant issued**

**by a judge that allows law enforcement to enter a property without immediate prior notification of the residents, such as by knocking or ringing a doorbell.**

**G. For the purposes of this Article, only a district court judge may issue a no-knock warrant.**

Approved by the Governor, June 21, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 431**

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SENATE BILL NO. 94  
BY SENATOR HARRIS  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 22:1641(8) and to enact R.S. 22:976.1, relative to prohibitions on certain health insurance cost-sharing practices; to provide for definitions; to provide for fairness in enrollee cost-sharing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1641(8) is hereby amended and reenacted and R.S. 22:976.1 is enacted to read as follows:

**§1641. Definitions**

As used in this Part, unless the context requires otherwise, the following definitions shall be applicable:

\* \* \*

(8) “Pharmacy benefit manager” means a person, business, or other entity and any wholly or partially owned or controlled subsidiary of such entity that **either directly or through an intermediary manages or** administers the prescription drug-~~or~~ **and** device portion of one or more health benefit plans on behalf of a third party, including **insurers**, plan sponsors, insurance companies, unions, and health maintenance organizations, in accordance with a pharmacy benefit management plan. **The management or administration of a plan may include but is not limited to review, processing of drug prior authorization requests, adjudication of appeals and grievances related to the prescription drug benefit, contracting with network pharmacies, and controlling the cost of covered prescription drugs.**

\* \* \*

**§976.1. Fairness in enrollee cost-sharing**

**A. As used in this Section the following definitions shall apply:**

**(1) “Cost-sharing requirement” means any copayment, coinsurance, deductible, or annual limitation on cost-sharing including but not limited to a limitation subject to 42 U.S.C. 18022(c) and 300gg-6(b), required by or on behalf of an enrollee in order to receive a specific healthcare service, including a prescription drug, covered by a health benefit plan.**

**(2) “Enrollee” means an individual who is enrolled or insured by a health insurance issuer for healthcare services.**

**(3) “Health benefit plan” means healthcare services provided directly through insurance, reimbursement, or other means, and including items and services paid for as healthcare services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization contract, or health maintenance organization contract offered by a health insurance issuer.**

**(4) “Healthcare services” means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury, or a mental or physical disability.**

**(5) “Health insurance issuer” means any entity that offers health insurance coverage through a health benefit plan, policy, or certificate of insurance subject to state law that regulates the business of insurance. “Health insurance issuer” includes a health maintenance organization as defined and licensed pursuant to Subpart I of Part I of Chapter 2 of this Title and the office of group benefits as created pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes of 1950.**

**(6) “Person” means a natural person, corporation, mutual company, unincorporated association, partnership, joint venture, limited liability company, trust, estate, foundation, not-for-profit corporation, unincorporated organization, government or governmental subdivision, or agency.**

**B. When calculating an enrollee's contribution to any applicable cost-sharing requirement, a health insurance issuer shall include any cost-sharing amounts paid by the enrollee or on behalf of the enrollee by another person.**

**C. In implementing the requirements of this Section, the state shall regulate a health insurance issuer only to the extent permissible under applicable law.**

**D. The commissioner of insurance may promulgate rules and regulations necessary to implement this Section.**

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 21, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State



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**ACT No. 432**  
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SENATE BILL NO. 105

BY SENATORS BOUDREAUX, ABRAHAM, ALLAIN, BARROW,  
BERNARD, BOUIE, CATHEY, CLOUD, CONNICK, CORTEZ, FIELDS,  
FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, JOHNS,  
LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT  
MILLS, MORRIS, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH,  
TALBOT, TARVER, WARD AND WOMACK AND REPRESENTATIVES  
ADAMS, BAGLEY, BRASS, BRYANT, CARPENTER, GARY CARTER,  
ROBBY CARTER, WILFORD CARTER, CORMIER, COX, DESHOTEL,  
DUPLESSIS, FREIBERG, GAINES, GLOVER, GREEN, HARRIS, HORTON,  
HUGHES, JAMES, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES,  
JORDAN, LACOMBE, LARVADAIN, LYONS, MARCELLE, DUSTIN  
MILLER, MOORE, NEWELL, CHARLES OWEN, PIERRE, PRESSLY,  
SCHEXNAYDER, SELDERS, THOMPSON AND WILLARD  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 49:150.1(C), (D), (E)(2), (F), the introductory paragraph of (G), and the introductory paragraph of (H)(1) and to enact R.S. 49:150.1(I), relative to the State Capitol Complex; to provide for the establishment and maintenance of a monument honoring African-American service members; to provide for terminology and other technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:150.1(C), (D), (E)(2), (F), the introductory paragraph of (G), and the introductory paragraph of (H)(1) are hereby amended and reenacted and R.S. 49:150.1(I) is hereby enacted to read as follows:

SUBPART H. STATE CAPITOL COMPLEX

§150.1. State capitol complex; allocation of space; maintenance; law enforcement officer and firefighter memorial; Gold Star Families monument; African-American military service members monument

\* \* \*

C. In addition to the provisions of Subsection B of this Section, four floors of the state capitol building shall be designated for use by the attorney general and one floor of the state capitol building shall be designated for use by the treasurer and the secretary of state. That space leased to members of the press on July 1, 1979, by the ~~Division of Administration~~ division of administration shall constitute the press area of the capitol and shall be under the control of the governor; provided however, if renovations require temporary or permanent reassignment of the press to another area of the capitol such reassignment shall be determined and made jointly by the governor, the speaker of the house of representatives House of Representatives, and the president of the senate Senate.

D. The designation of the eight floors as set forth in Subsections B and C of this Section, not including the fourth floor, shall be jointly determined by the governor, the speaker of the house of representatives House of Representatives, and the president of the senate Senate.

E.(1) \* \* \*

(2) The time at which such renovation shall begin shall be determined jointly by the ~~President~~ president of the Senate, the ~~Speaker~~ speaker of the House of Representatives, and the commissioner of administration. The allocation of these areas shall be made by the legislature by joint rule or through the Legislative Budgetary Control Council.

F. Except as otherwise provided in this Section, the ~~superintendent of state buildings~~ director of the office of state buildings shall have charge of the management, operation, and maintenance of the state capitol building, pentagon courts buildings, the Old Arsenal Museum, and the capitol complex grounds. In the performance of the duties specified in this Subsection, the ~~superintendent director~~ shall be under the authority and direction of the governor, the speaker of the house of representatives House of Representatives, and the president of the senate Senate.

G. In accordance with R.S. 25:781 through 785 and subject to the joint approval and oversight of the governor, the president of the Senate, and the speaker of the House of Representatives, the ~~superintendent of state buildings~~ director of the office of state buildings shall:

\* \* \*

H.(1) Subject to the joint approval and oversight of the governor, the president of the Senate, and the speaker of the House of Representatives, the ~~superintendent of state buildings~~ director of the office of state buildings shall do all of the following:

\* \* \*

I.(1) Subject to the joint approval and oversight of the governor, the president of the Senate, and the speaker of the House of Representatives, the director of the office of state buildings shall do all of the following:

(a) Set aside and maintain an appropriate area accessible to the public on the east side of the state capitol on the grounds surrounding the Old Arsenal Museum, known as the Louisiana Veterans Memorial Park, for a monument honoring the service and sacrifices of African-American military service members and their families throughout the history of the United States of America, including their service and sacrifices in the longest siege in American history at Port Hudson during the American Civil War, and their service and sacrifices in World War I, World War II, the Korean War, the Vietnam War, the Gulf War, Operation

THE ADVOCATE  
PAGE 23

\* As it appears in the enrolled bill

Enduring Freedom, and Operation Iraqi Freedom, among other conflicts.

(b) Plan, implement, and maintain the monument.

(2) The funding source for the initial construction of the monument shall consist solely of private donations, grants, and other nonpublic monies; however, public funds may be used to maintain the monument.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 433**  
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SENATE BILL NO. 127

BY SENATOR MCMATH

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 40:2162(D)(2), relative to behavioral health rehabilitation services in the Louisiana medical assistance program; to require a minimum level of education and training for certain providers; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2162(D)(2) is hereby amended and reenacted to read as follows:

§2162. Specialized behavioral health rehabilitation services in the Louisiana medical assistance program

\* \* \*

D. In order to be eligible to receive Medicaid reimbursement, all behavioral health services providers shall ensure that any individual rendering PSR or CPST services for the licensed and accredited provider agency meets all of the following requirements:

\* \* \*

(2)(a) ~~On and after July 1, 2018, any~~ Any individual rendering PSR services for a licensed and accredited provider agency shall hold a minimum of ~~a one~~ of the following:

(i) A bachelor's degree from an accredited university or college in the field of counseling, social work, psychology, or sociology, rehabilitation services, special education, early childhood education, secondary education, family and consumer sciences, or human growth and development.

(ii) Any bachelor's degree from an accredited university or college with a minor in counseling, social work, sociology, or psychology.

(b) Any individual rendering PSR services who does not possess the minimum bachelor's degree required educational requirements provided for in this Paragraph, but who met all provider qualifications in effect prior to July 1, 2018, may continue to provide PSR services for the same provider agency. Prior to the individual rendering PSR services at a different provider agency, he must shall comply with the provisions of this Section.

~~(b) On and after July 1, 2018, any~~ (c) Any individual rendering any CPST services for a licensed and accredited provider agency shall hold a minimum of a bachelor's degree from an accredited university or college in the field of counseling, social work, psychology, or sociology.

\* \* \*

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 434**  
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SENATE BILL NO. 130

BY SENATOR JACKSON

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To enact R.S. 22:1828 and 1964(30) and R.S. 46:460.75, relative to health insurance; to provide for provider claim payment and data information protections; to provide for definitions; to provide for payment by electronic funds transfer; to provide for violations; to provide for unfair or deceptive acts or practices in the business of insurance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1828 and 1964(30) are hereby enacted to read as follows:

§1828. Provider claim payment and information protection

A. As used in this Section:

(1) "Electronic funds transfer" means an electronic funds transfer through the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended, standard automated clearinghouse network.

(2) "Health insurance issuer" means an entity subject to the insurance laws

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

and regulations of this state, that contracts or offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs for healthcare services, including a health and accident insurance company, a health maintenance organization, a preferred provider organization, or any similar entity.

B. Within the time period prescribed by a health insurance issuer in which the health insurance issuer can review or audit a claim for purposes of reconsidering the validity of the claim, if a healthcare provider submits a request orally or in writing to a health insurance issuer, the health insurance issuer shall provide a copy of all documentation transmitted between the healthcare provider and the health insurance issuer or their respective agents, that is associated with a claim for payment for services. The health insurance issuer shall provide the requested documentation within two business days of the request submitted by the healthcare provider. A health insurance issuer may, in lieu of providing a physical copy, provide electronic access to the provider of the documentation through the use of a provider portal or other electronic means. All information or documentation required to be provided by this Section to a healthcare provider by a health insurance issuer, whether by physical copy or electronic access, shall be provided at no cost to the healthcare provider.

C.(1) Any health insurance plan issued, amended, or renewed on or after January 1, 2022, between a health insurance insurer, its contracted vendor or agent, and a healthcare provider that covers healthcare services to a plan enrollee shall not restrict the method of payment from the health insurance issuer or its vendor to the healthcare provider in which the only acceptable payment method for services rendered requires the healthcare provider to pay a transaction fee, provider subscription fee, or any other type of fee or cost in order to accept payment from the health insurance issuer or that results in a monetary reduction in the payment to the healthcare provider for the healthcare services rendered.

(2) If initiating or changing payments to a healthcare provider using electronic funds transfer payments the health insurance issuer, its contracted vendor, or agent shall do both of the following:

(a) Notify the healthcare provider if any fees are associated with a particular payment method.

(b) Advise the provider of the available methods of payment and provide instructions to the healthcare provider for selection of an alternative payment method that does not require the healthcare provider to pay a transaction fee, provider subscription fee, or any other type of fee or cost in order for the healthcare provider to accept payment from the health insurance issuer.

D. The provisions of this Section shall not be waived by contract, and any contractual clause in conflict with the provisions of this Section or that purport to waive the requirements of this Section is void.

E. Any violation of the provisions of this Section shall be declared and considered to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance and subject to the provisions of Part IV of Chapter 7 of this Title.

\* \* \*

§1964. Methods, acts, and practices which are defined as unfair or deceptive  
The following are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

\* \* \*

(30) Any violation of R.S. 22:1828.

Section 2. R.S. 46:460.75 is hereby enacted to read as follows:

§460.75. Provider claim payment and information protection

A. If a healthcare provider submits a request, either orally or in writing, to a managed care organization during the time prescribed by state law or regulation in which a managed care organization can subject a claim to any review or audit for purposes of reconsidering the validity of a claim, the managed care organization shall provide, within two business days of such request, a copy of all documentation that has been transmitted between the healthcare provider and the managed care organization, or their respective agents, that is associated with a claim for payment of a service. A managed care organization may, in lieu of providing a physical copy, provide electronic access of the documentation through the use of a provider portal or other electronic means to the provider. All information or documentation required to be provided to a healthcare provider by a managed care organization pursuant to this Section, whether by physical copy or electronic access, shall be provided at no cost to the healthcare provider.

B.(1) Any healthcare provider contract issued, amended, or renewed on or after January 1, 2021, between a managed care organization, its contracted vendor, or agent and a healthcare provider for the provision of healthcare services to a Medicaid enrollee shall not contain restrictions on methods of payment from the managed care organization or its vendor to the healthcare provider in which the only acceptable payment method for healthcare services rendered requires the healthcare provider to pay a transaction fee, provider subscription fee, or any other type of fee or cost in order to accept payment from the managed care organization for the provision of healthcare services, or that would result in a monetary reduction in the healthcare provider's payment for the healthcare services rendered.

(2) If initiating or changing payments to a healthcare provider using electronic funds transfer payments a managed care organization, its contracted vendor, or agent shall do both of the following:

(a) Notify the healthcare provider if any fees are associated with a particular payment method.

(b) Advise the provider of the available methods of payment and provide clear instructions to the healthcare provider as to how to select an alternative payment

method that does not require the healthcare provider to pay a transaction fee, provider subscription fee, or any other type of fee or cost in order to accept payment from the managed care organization for the provision of healthcare services.

C. The provisions of this Section shall not be waived by contract, and any contractual clause in conflict with the provisions of this Section or that purports to waive any requirements of this Section is void.

D. If the managed care organization, its contracted vendor, or agent violates any provision of this Section, the department shall impose penalties on the managed care organization in accordance with contract provisions or rules and regulations promulgated pursuant to the Administrative Procedure Act, except that penalties shall be imposed without the necessity of the department having to issue any prior notice of corrective action.

E. As used in this Section, “electronic funds transfer” means an electronic funds transfer through the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, standard automated clearinghouse network.

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 435

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SENATE BILL NO. 142

BY SENATORS WARD, CORTEZ AND JOHNS  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact R.S. 4:199, R.S. 27:625(G), and 628 and R.S. 28:843, relative to sports wagering; to provide relative to revenue generated from sports wagering; to provide for appropriation; to create the Behavioral Health and Wellness Fund; to create the Sports Wagering Purse Supplement Fund; to create the Sports Wagering Local Allocation Fund; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:625(G) and 628 are hereby enacted to read as follows:  
§625. State tax; levy

\* \* \*

G. After complying with the provisions of Subsection D of this Section, each fiscal year the state treasurer shall credit the following amounts to the following funds:

(1) Two percent of the monies collected pursuant to this Section, or five hundred thousand dollars, whichever is greater, shall be credited to the Behavioral Health and Wellness Fund established by R.S. 28:843.

(2) Twenty-five percent of the monies collected pursuant to this Section, not to exceed twenty million dollars, shall be credited to the Louisiana Early Childhood Education Fund established by R.S. 17:407.30.

(3) Ten percent of the monies collected pursuant to this Section shall be credited to the Sports Wagering Local Allocation Fund established by R.S. 27:628.

(4) Two and one-half percent of the monies collected pursuant to this Section shall be credited to the Sports Wagering Purse Supplement Fund established by R.S. 4:199. Monies in the Sports Wagering Purse Supplement Fund shall only be withdrawn pursuant to an appropriation by the legislature and monies shall be appropriated to the Louisiana State Racing Commission solely for the uses and in proportion provided in R.S. 4:199.

(5) Two percent of the monies collected pursuant to this Section, not to exceed five hundred thousand dollars, shall be credited to the Disability Affairs Trust Fund established by R.S. 46:2583.

(6) Any remaining funds shall be available as state general funds.

\* \* \*

§628. Sports Wagering Local Allocation Fund

A. There is hereby created in the state treasury a special fund to be known as the Sports Wagering Local Allocation Fund, hereafter referred to as the “fund”.

B. Monies in the fund shall be remitted monthly, by proportionate distribution, to each parish governing authority in which the taxable conduct pursuant to R.S. 27:625 occurred.

Section 2. R.S. 4:199 is hereby enacted to read as follows:

§199. Sports Wagering Purse Supplement Fund; creation

A. There is hereby created in the state treasury a special fund to be known as the Sports Wagering Purse Supplement Fund, hereafter referred to in this Section as the “fund”.

B. Any appropriation by the legislature to the Louisiana State Racing Commission from the fund shall be utilized to supplement purses as provided in this Section.

C. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on the investments of monies in the fund shall be deposited in and credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

D. Monies in the fund shall only be withdrawn pursuant to an appropriation by the legislature solely to implement the provisions of this Section.

E. Each fiscal year, the commission shall allocate any appropriations received pursuant to R.S. 27:625(G)(4) as follows:

(1) Two-thirds of the funds appropriated to the commission pursuant to this



Paragraph shall be allocated and provided to the licensed racing associations in the state which conduct live horse racing on the basis of the proportion of the number of thoroughbred race days each association conducted for the preceding year bears to the total number of thoroughbred race days conducted statewide for the preceding year, and such funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the Louisiana Thoroughbred Breeders Association on Louisiana-bred thoroughbred races.

(2) One-third of the funds appropriated to the commission pursuant to this Paragraph shall be allocated and provided to the licensed racing associations in the state which conduct live horse racing on the basis of the proportion of the number of quarter horse race days each association conducted for the preceding year bears to the total number of quarter horse race days conducted statewide for the preceding year, and such funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the Louisiana Quarter Horse Breeders Association on Louisiana-bred quarter horse races.

Section 3. R.S. 28:843 is hereby enacted to read as follows:  
§843. Behavioral Health and Wellness Fund; creation  
A. There is hereby created in the state treasury a special fund to be known as the Behavioral Health and Wellness Fund, hereafter referred to in this Section as the “fund”.

B. Any appropriations, public or private grants, gifts, or donations received by the state or by the Department of Health or its office of behavioral health or human services districts for the purposes of this Chapter, except for monies deposited into the Compulsive and Problem Gaming Fund pursuant to the provisions of this Chapter, shall be credited to the fund. Monies in the fund shall be utilized to support and invest in intensive and comprehensive treatment facilities for individuals with compulsive and problem gambling addictions.

C. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on the investments of monies in the fund shall be deposited in and credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

D. Monies in the fund shall only be withdrawn pursuant to an appropriation by the legislature solely to implement the provisions of this Chapter.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 436**  
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SENATE BILL NO. 204  
BY SENATORS CORTEZ AND PEACOCK  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 4:147(1) and 158(B)(2) and to repeal R.S. 4:147(7), relative to horse racing; to require the Louisiana State Racing Commission to assign dates for race meetings at a particular track; to require the commission to set the minimum number of races per day; to provide relative to the authority of the commission regarding applications for race meetings and agendas; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 4:147(1) and 158(B)(2) are hereby amended and reenacted to read as follows:

§147. Specific duties of commission  
The commission shall carry out the provisions of this Part, including the following specific duties:

(1)(a) To ~~set~~ assign the dates ~~during which any~~ race meetings may be conducted in this state ~~at a particular track~~, including dates which limit racing at ~~a particular tracks~~ track for quarter horses only, provided that:

~~(a)(i)~~ It shall prohibit the conducting of any thoroughbred race meetings having the same or overlapping dates for such race meetings at thoroughbred race tracks within a radius of one hundred miles of each other; and

~~(b)(ii)~~ It shall prohibit the conducting of any exclusively quarter horse race meetings having the same or overlapping dates for such race meetings at any other exclusively quarter horse track within a radius of one hundred miles of each other. ~~However, nothing herein shall prevent presently licensed and existing tracks from conducting quarter horse races with any exclusive quarter horse track having the same or overlapping dates for race meetings.~~

(b) To set the minimum number of live races required per race day at a particular track.

§158. License to operate a horse racing track; license to conduct race meetings

B.  
**THE ADVOCATE**  
**PAGE 25**

\* As it appears in the enrolled bill

\* \* \*

(2)(a) On or before the first of May and the first of September of each year, after receipt of the applications the commission shall convene to consider the refusal or granting of any licenses to conduct race meetings applied for. The commission shall assign dates for all race meetings in the state at each track and license in accordance therewith and shall set the minimum number of live races required per race day.

(b) The commission may amend an application, or any included race dates, or assign different dates than those included in the application for any reason that it considers sufficient, making every effort to reduce conflicting or overlapping live race meeting dates for the tracks in this state.

\* \* \*

Section 2. R.S. 4:147(7) is hereby repealed in its entirety.  
Section 3. This Act shall become effective on July 1, 2021, and the provisions of Section 1 of this Act shall apply to race meetings held on and after October 1, 2021.  
Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 437**  
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SENATE BILL NO. 209  
BY SENATOR SMITH  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 4:143(7), 148, 149, 166.7, 213, and 214(A)(4) and to enact R.S. 4:143(17) through (19), 211(8), 214(K) and (L), 216(E), 217(E) and 228, relative to horse racing; to provide relative to pari-mutuel wagering; to provide for definitions; to provide for rules, regulations, and conditions; to provide for exotic wagering; to provide for allocation of proceeds during and for a race meeting; to provide for terms and conditions; to provide for offtrack wagering facilities; to provide for historical horse racing; to provide for commissions on wagers; to provide for purse supplements; to provide for limitations of offtrack wagering facility locations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 4:143(7), 148, 149, 166.7, 213 and 214(A)(4) are hereby amended and reenacted and R.S. 4:143(17) through (19), 211(8), 214(K) and (L), 216(E), 217(E) and 228 are hereby enacted to read as follows:

§143. Definitions  
Unless the context indicates otherwise, the following terms shall have the meaning ascribed to them below:

\* \* \*

(7) “Meeting or race meeting” means the whole consecutive period (Sundays excluded) for which a license to ~~race~~ conduct live races has been granted to any one association by the commission.

\* \* \*

(17) “Historical horse racing” means a form of horse racing that creates pari-mutuel pools from wagers placed on horse races previously run at a pari-mutuel facility licensed in the United States; concluded with official results; and concluded without scratches, disqualifications, or dead-heat finishes through machines permitted and authorized by the commission.

(18) “Pari-mutuel wagering”, “pari-mutuel system of wagering”, or “mutuel wagering” means any method of wagering previously or hereafter approved by the commission in which one or more patrons wager on a horse race or races, whether live, simulcast, or previously run. Wagers shall be placed in one or more wagering pools, and wagers on different races or sets of races may be pooled together. Patrons may establish odds or payouts, and winning patrons share in amounts wagered including any carryover amounts, plus any amounts provided by an association less any deductions required, as approved by the commission and permitted by law. Pools may be paid out incrementally over time as approved by the commission.

(19) “Races” or “racing” means live racing conducted by a licensee in this state, unless otherwise specifically described.

\* \* \*

§148. Rules, regulations and conditions  
The commission shall make rules, regulations and conditions for the holding, conducting and operating of all race tracks, race meets and races held in this state, historical horse racing, and for the conduct of the racing industry of this state under this Part. Special rules, regulations and conditions may be promulgated separately for thoroughbred racing and for quarter horse racing. The rules, regulations and conditions shall be consistent with this Part and provide for and deal with all matters necessary to the holding of such race meetings and pari-mutuel wagering.

\* \* \*

§149. Wagering; rules and regulations  
The commission may prescribe rules and regulations under which shall be conducted all horse races upon the results of which there is wagering. The commission shall, as may be necessary, prescribe additional special rules and regulations applicable separately to thoroughbreds and quarter horses. The commission shall make rules governing, permitting, and regulating the wagering on horse races under the form of mutuel wagering by patrons,

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

known as pari-mutuel wagering, ~~whether on live or historical horse races.~~ Only those persons receiving a license from the commission may conduct this type of wagering, and shall restrict this form of wagering to a space within the race meeting grounds ~~or an offtrack wagering facility.~~ All other forms of wagering on the result of horse races are illegal, ~~and all wagering on horse races outside the enclosure where horse races have been licensed by the commission is illegal.~~

\* \* \*

§166.7. Exotic wagering, allocation of proceeds during and for a race meeting; concurrence required

A. Notwithstanding any provision of this Chapter to the contrary, during and for any race meeting, the commission, with the concurrence of the association conducting the race meeting and the Horsemen's Benevolent and Protective Association, may provide that the takeout deducted from pick-three, pick-four, ~~pick-five, and pick-six, and pick (n)~~ wagers is an amount of not less than twelve percent and not more than twenty-five percent. Absent such an agreement, the takeout shall remain at twenty-five percent.

~~B. For the purposes of this Part, "pick (n)" means a form of pari-mutuel wagering where "(n)" is a varying number of races exceeding three races. Bettors select the first horse in each of (n) consecutive races designated as the pick (n) by the permit holder. The sale of pick (n) tickets other than from pari-mutuel machines shall be deemed illegal and is prohibited.~~

\* \* \*

§211. Definitions

Unless the context indicates otherwise, the following terms shall have the meaning ascribed to them below:

\* \* \*

~~(8) "Net Commission" means the commission retained by a licensee on pari-mutuel wagers on historical horse races, less breakage, settlements, and taxes applicable to such wagers.~~

\* \* \*

§213. Offtrack wagering facilities; establishment

In addition to the rights granted in R.S. 4:149.2, any association licensed by the commission may ~~accept and transmit wagers as provided in this Chapter~~ conduct pari-mutuel wagering and engage in all necessary activities to establish appropriate offtrack wagering facilities to accomplish this purpose. Such activities shall include, but not be limited to:

- (1) Live simulcast of races from the host track.
- ~~(2) Historical horse racing on the premises of offtrack wagering facilities via dedicated machines or personal mobile devices.~~
- ~~(3) Construction or leasing of offtrack wagering facilities.~~
- ~~(3)(4) Sale of goods and beverages.~~
- ~~(4)(5) Advertising and promotion.~~
- ~~(5)(6) All other related activities.~~

§214. Offtrack wagering facilities; licensing; criteria; management; appeal of license suspension or revocation; ~~limitation on facilities with historical horse racing~~

A. License approval shall be subject to the criteria established by R.S. 4:159. Licensure shall be subject to the following conditions:

\* \* \*

(4) Not more than two offtrack wagering facilities may be licensed in any parish, except for Orleans and Jefferson. ~~For the purposes of this Paragraph, a pari-mutuel facility as that term is defined in R.S. 4:211 shall not be included in the count of licensed offtrack wagering facilities for the parish in which it is located.~~

\* \* \*

~~K.(1) No primary licensee may operate more than five offtrack wagering facilities in which historical horse racing is permitted.~~

~~(2) Notwithstanding Paragraph (1) of this Subsection, any primary licensee that operates more than five offtrack wagering facilities as of July 1, 2021, may conduct historical horse racing at all of its licensed facilities. However, historical horse racing shall not be authorized at any future offtrack wagering facility for that primary licensee if the primary licensee is operating more than five offtrack wagering facilities. If any of the primary licensee's existing licensed offtrack wagering facilities on July 1, 2021, cease to be a licensed offtrack wagering facility for reasons other than force majeure, the number of offtrack wagering facilities allowed to conduct historical horse racing for that primary licensee shall be reduced by the number of its offtrack wagering facilities that cease to be licensed until such time as the primary licensee is reduced to no more than five licensed offtrack wagering facilities allowed to conduct historical horse racing.~~

~~(3) Each primary licensee or licensed offtrack wagering facility shall not place more than fifty historical horse racing machines into service at any given time.~~

~~(4) In addition to the requirements of Paragraph (3) of this Subsection, an application from an eligible facility to conduct historical horse racing in Orleans Parish may be approved by the commission only after the Amended and Renegotiated Casino Operating Contract entered into pursuant to R.S. 27:201 et seq., on October 30, 1998, as amended, is amended to provide that the conducting of historical horse racing at the eligible facility in Orleans Parish shall not constitute an exclusivity violation or prohibited land-based gaming as defined in such contract and such amendment to the contract is approved by the Joint Legislative Committee on the Budget as required by the provisions of Section B of Act No. 1 of the 2001 First Extraordinary Session.~~

~~L. No historical horse racing may be conducted via a machine or website or mobile application beyond the property of the pari-mutuel facility or offtrack wagering facility. The commission shall promulgate rules relative to the~~

enforcement of this restriction.

\* \* \*

§216. Commissions on wagers

\* \* \*

~~E. Notwithstanding, and in lieu of, any other provisions of law, historical horse races and wagers thereon shall be subject to the following provisions:~~

~~(1) Commissions on wagers on historical horse races made at offtrack wagering facilities shall not exceed twelve percent of all wagers and shall be set by the licensee and approved by the commission. The offtrack wagering facility where the wager is made may either retain the breakage on such wagers or include the breakage in the applicable historical horse racing pari-mutuel pool or pools. Commissions shall be deducted and retained by the licensee of the offtrack wagering facility where the wager is made.~~

~~(2) The licensee shall disburse twenty percent of the net commission to supplement horsemen's purses in accordance with the provisions of R.S. 4:217(E).~~

~~(3) R.S. 4:149.3, 149.5, 161, 161.1, 161.2, 162, 163.1, 165, 166, 166.1 through 166.7, 167, 177, 183, 218, and 220 shall not apply to historical racing or the licensee with respect to historical racing.~~

§217. Purse supplements; designation and distribution

\* \* \*

~~E. Notwithstanding, and in lieu of, any other provision of law, the monies designated for purses under the provisions of R.S. 4:216(E) from wagers placed at offtrack wagering facilities on historical horse races shall be distributed in the same manner as set forth in R.S. 27:438(B) as in effect at the time of any such distribution, and if R.S. 27:438(B)(2)(a) becomes effective, any such quarter horse purse supplements shall be included in the calculation of the applicable maximum of one million dollars per state fiscal year and the settlement amount as set forth therein.~~

\* \* \*

~~§228. Offtrack wagering facility locations; prohibited distances; prohibited structures~~

~~A. No license shall be granted to any offtrack wagering facility located, at the time application is made for a license to operate offtrack wagering facilities, within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. The measurement of the distance shall be a straight line from the nearest point of the proposed offtrack wagering facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.~~

~~B. After an application is filed with the commission, the subsequent construction, erection, development, or movement of a property identified in Subsection A of this Section which causes the location of a offtrack wagering facility to be within the prohibited distance shall not be cause for denial of an initial or renewal application or revocation of a license.~~

~~C. The prohibition in Subsection A of this Section shall not apply to the location of an offtrack wagering facility which applied for a license or was issued a license on or before July 1, 2021, or which applied for or was issued a valid building permit on or before July 1, 2021, and subsequently issued a license. Such location shall be eligible for an offtrack wagering facility license without reference to the prohibition in Subsection A of this Section unless after having obtained a license, an offtrack wagering facility has not been licensed at that location for thirty-six consecutive months and application for licensing is not made within that thirty-six-month period.~~

~~D.(1) For locations on which an offtrack wagering facility has not been completely constructed, if application for licensing was made on or before July 1, 2021, the prohibited distance shall be one mile from any property on the National Register of Historic Places, any public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.~~

~~(2) The measurement of the distances shall be a straight line from the nearest point of the offtrack wagering facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.~~

~~E. If a parish or municipality does not have a zoning ordinance which designates certain property within its jurisdiction as residential property, the governing authority of the parish or municipality shall have the authority to designate to certain areas of its jurisdiction as residential districts for the purpose of this Section.~~

~~F. If application for licensing is made after July 1, 2021, the prohibition in Subsection A of this Section shall apply.~~

~~G. "Residential property" shall mean any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or more rooms, including a bathroom and complete kitchen facilities. Residential property shall include a mobile home or manufactured housing, if it has been in its present location for at least sixty days. Residential property shall not include any hotel or motel.~~

Section 2. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the definitions provided for in R.S. 4:143.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and



subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 21, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 438**

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**SENATE BILL NO. 222**

BY SENATORS HEWITT, ALLAIN, BARROW, BERNARD, CATHEY, CLOUD, CORTEZ, FIELDS, FOIL, JACKSON, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, REESE, SMITH, TALBOT, WHITE AND WOMACK  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

**AN ACT**

To amend and reenact R.S. 17:24.9, to enact R.S. 17:24.10 and 3996(B)(59) and (60), and to repeal R.S. 17:24.11 and 182, relative to early literacy; to provide for a comprehensive early literacy initiative; to require early literacy instruction for grades kindergarten to three; to provide for annual literacy assessment of certain students; to provide literacy support for certain students; to provide for professional development and teacher training; to require school literacy plans; to require annual literacy reporting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:24.9 is hereby amended and reenacted and R.S. 17:24.10 and 3996(B)(59) and (60) are hereby enacted to read as follows:

§24.9. Quality early reading literacy initiative; legislative findings; development; criteria; implementation; evaluation limitations

A. The legislature recognizes that reading is the most important academic skill and the foundation for all academic learning. The legislature further recognizes that if our children cannot read then they are on the road to failure. It is for these reasons that the legislature finds that teaching children to read on or above grade level must be the highest priority of the state's educational system. ~~It is therefore the purpose of this initiative to provide for and enhance quality reading programs for the young students in our state.~~

B. The state Department of Education shall develop a comprehensive and balanced evidence-based early childhood reading literacy initiative for students in kindergarten through third grade. The department shall provide criteria that are research-based and which provide, at a minimum, for the following:

(1) A Develop a program for early literacy that is applicable for all students in kindergarten through third grade including special education students.

(2) A method for selecting schools having students who are economically disadvantaged as defined by the State Board of Elementary and Secondary Education and low-performing students in kindergarten through third grade.

(3) A plan for the coordination of this initiative with existing programs and funding sources within the schools and school systems.

(4) A valid evaluation process.

(5) A program that provides phonics as a component.

D. This initiative shall be evaluated through the state-level assessment system that identifies those schools and school systems which are meeting state standards of school accountability.

E. This program shall be implemented when funds are allocated for this purpose. Such funding shall be allocated to every city and parish school system.

Develop a literacy assessment to assess the literacy level of each public school student in kindergarten through third grade.

(a) In developing the literacy assessment, the department shall consider:

(i) The scientific validity and reliability of the literacy assessment.

(ii) The time required to conduct the literacy assessment, with the intention to minimize the impact on instructional time.

(iii) The cost of administering the literacy assessment.

(iv) The timeliness and ease in reporting the results to teachers, administrators, and parents.

(v) The integration of the literacy assessment with instruction.

(b) The literacy assessment shall:

(i) Measure, at a minimum, age-appropriate phonological awareness, phonics, decoding, fluency, and comprehension.

(ii) Identify students whose literacy skills are below grade level.

(iii) Be a tool to assist in identifying students for further evaluation for specific programming, including students who display characteristics of being dyslexic or gifted.

(3) Provide the literacy assessment, at no cost, to each public school for use in identifying a student's foundational literacy skill level pursuant to R.S. 17:24.10.

(4) Establish the scores on the literacy assessment to determine whether a student's literacy skills are above grade level, on grade level, or below grade level.

(5) Require, beginning with the 2022-2023 school year, each public school to administer the literacy assessment to each student in kindergarten through third grade, within the first thirty days of each school year.

(6) Provide, within thirty days after the administration of the literacy assessment, a literacy assessment report to each public school governing authority, each public school, and each public school teacher who teaches

students in kindergarten through third grade, the number and percentage of students with literacy skills determined to be above grade level, on grade level, or below grade level. The number of students identified for referral for gifted evaluation or targeted for literacy intervention shall also be reported.

(7)(a) Submit a report, not later than ninety days after the beginning of each school year, to the Senate Committee on Education and the House Committee on Education detailing the results of the literacy assessment for each public elementary school, each public school system, and the state as a whole.

(b) The report shall include:

(i) The number and percentage of students in kindergarten through third grade with literacy skills identified at each proficiency level.

(ii) The number of students identified for referral for gifted evaluation or targeted for literacy intervention.

(iii) Literacy levels by student subgroups.

(c) The data reported shall be submitted in the aggregate and shall not include any personally identifiable information pursuant to R.S. 17:3914.

(8) Report the data for each school, for each school system, and the state as a whole, in the school progress profiles provided pursuant to R.S. 17:3911 and 3912.

C. Not later than July 31, 2022, the State Board of Elementary and Secondary Education shall revise teacher certification requirements and the requirements of teacher education programs to require foundational literacy skills standards in all educator preparation program of all candidates seeking certification to teach students in kindergarten through third grade. The foundational literacy skills standards shall include:

(1) How to effectively teach the foundational literacy skills of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(2) How to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia.

(3) How to implement effective literacy instruction using high-quality instructional materials.

(4) Behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.

(5) How to administer literacy assessments to students and use the resulting data to improve literacy instruction for students.

D. The results from the literacy assessment shall be used in determining school and district performance scores pursuant to the state's school and district accountability system.

E. The State Board of Elementary and Secondary Education shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Section.

F. The board shall plan for the coordination of this initiative with existing programs and funding sources within schools and school systems.

§24.10. Early literacy instruction and assessment; parental notification; reporting

A. Each public school shall:

(1) Provide each student in kindergarten through third grade age-appropriate, systematic foundational literacy skills with instruction based on scientifically researched methods proven to provide a strong literacy foundation.

(2) Within the first thirty days of each school year, administer the literacy assessment developed and provided by the state Department of Education pursuant to R.S. 17:24.9 to each student in kindergarten through third grade to determine each student's literacy level.

(3) Provide literacy interventions and supports designed to improve the foundational literacy skills of any student identified as having literacy skills below grade level. The supports may include daily targeted small-group interventions, before and after school literacy intervention provided by a teacher or tutor with specialized literacy training, and at-home literacy programs that include literacy workshops for the parents and legal guardians of students and web-based or parent-guided home literacy activities.

(4) Ensure, pursuant to R.S. 17:351.1, that all textbooks and instructional materials used to teach students to read are high-quality, fully aligned to state content standards, and based on literacy strategies that are scientifically researched with proven results in teaching phonological awareness, letter formation, phonics, decoding, fluency, vocabulary, and comprehension.

B.(1) Within fifteen days of identifying that a student in kindergarten through third grade is below grade level, based on the results of the annual literacy assessment, the school shall notify the student's parent or legal guardian in writing that the student has been identified as being below grade level, and shall provide the student's parent with the following:

(a) Information regarding the importance of being able to read proficiently by the end of the third grade.

(b) Activities that may be used at home to improve literacy proficiency.

(c) Information regarding the specific interventions and supports that the school will provide to improve the literacy proficiency of the student.

(2) Each school shall provide mid-year and end-of-the-year updates to the parent or legal guardian of each student identified as having literacy skills below grade level detailing the student's progress in gaining foundational literacy skills and providing the parent with additional tools to use at home to improve the student's literacy proficiency.

C.(1) Beginning June 1, 2023, and triennially thereafter, each school shall develop, and submit to the department, a foundational literacy skills plan for students in kindergarten through third grade.

(2) Each foundational literacy skills plan shall include:

- (a) The amount of time to be devoted daily to foundational literacy skills instruction and a description of how the instructional time will be utilized.  
(b) A list of English language arts textbooks and instructional materials adopted by the school.  
(c) A description of the interventions and supports available to students identified as having literacy skills below grade level.  
(d) A description of the professional development in foundational literacy skills instruction provided to teachers who teach kindergarten through third grade.  
D. Each school shall post its foundational literacy skills plan and the latest report on the literacy assessment on its website.  
E. The results of the early literacy assessment shall not be used in determining school and district performance scores prior to the 2023-2024 school year.  
F. The State Board of Elementary and Secondary Education shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Section.

\* \* \*  
\* \* \*

§3996. Charter schools; exemptions; requirements

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

\* \* \*  
\* \* \*  
\* \* \*

- (59) Quality early literacy initiative, R.S. 17:24.9.  
(60) Early literacy instruction, R.S. 17:24.10.

Section 2. R.S. 17:24.11 and 182 are hereby repealed.  
Section 3. This Act shall become effective on August 1, 2021; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on August 1, 2021, or on the day following such approval by the legislature, whichever is later.  
Approved by the Governor, June 21, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 439**

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**SENATE BILL NO. 230**

BY SENATORS MIZELL, ABRAHAM, ALLAIN, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MORRIS, PEACOCK, PETERSON, POPE, PRICE, SMITH, TALBOT, WARD, WHITE AND WOMACK AND REPRESENTATIVES BRASS, CARPENTER, DAVIS, DUPLESSIS, EDMONDS, EDMONSTON, FREIBERG, HILFERTY, HODGES, HUGHES, LANDRY, MARCELLE, MOORE, NEWELL, CHARLES OWEN, PHELPS, PIERRE, RISER, SCHLEGEL, ST. BLANC, TARVER, WHITE AND WILLARD  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

**AN ACT**

To amend and reenact Part XII of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3399.11 through 3399.17, and to enact R.S. 15:624(A)(3), relative to power-based violence on college and university campuses; to provide for reporting incidents of power-based violence at public postsecondary education institutions; to provide for coordination between institutions and law enforcement; to provide for confidential advisors, responsible employees, and Title IX coordinators; to require training; to provide for immunities for certain employees; to provide for confidentiality; to provide relative to failure to report or filing false reports; to prohibit retaliation; to require annual reports; to require student safety education; to provide for student power-based violence surveys; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 15:624(A)(3) is hereby enacted to read as follows:  
§624. Sexually-oriented criminal offense data; reporting  
A.  
**(3) By February fifteenth of each year, each college or university campus police department shall submit the report to the president of the institution's system, the chancellor of the institution, and the institution's Title IX coordinator. The chancellor shall have the report posted on the institution's website.**  
\* \* \*

Section 2. Part XII of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3399.11 through 3399.17, is hereby amended and reenacted to read as follows:  
**PART XII. CAMPUS ACCOUNTABILITY AND SAFETY**  
**§3399.11. Short Title title**  
This Part may be referred to as the "Campus Accountability and Safety Act".  
**§3399.13-§3399.12. Definitions**

For the purposes of this Part, the following terms **and phrases** shall have the following meanings unless the context clearly indicates otherwise:  
(1) **"Chancellor"** means the chief executive officer of a public postsecondary education institution.  
(2) **"President"** means the president of the system of the respective institution.  
**"Confidential advisor"** means a person designated by an institution to provide emergency and ongoing support to students who are alleged victims of power-based violence.  
(3) **"Sexually-oriented criminal offense"** includes any sexual assault offense as defined in R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.  
**"Employee" means:**  
(a)(i) **An administrative officer, official, or employee of a public postsecondary education board or institution.**  
(ii) **Anyone appointed to a public postsecondary education board or institution.**  
(iii) **Anyone employed by or through a public postsecondary education board or institution.**  
(iv) **Anyone employed by a foundation or association related to a public postsecondary education management board or institution.**  
(b) **"Employee" does not include a student enrolled at a public postsecondary institution, unless the student works for the institution in a position such as a teaching assistant or a residential advisor.**  
(4) **"Institution"** means a public postsecondary education institution.  
(5) **"Power-based violence" means any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person and shall include the following:**  
(a) **Dating violence (R.S. 46:2151(C)).**  
(b) **Domestic abuse and family violence (R.S. 46:2121.1(2) and 2132(3)). For the purposes of this Part, domestic abuse shall also include any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.**  
(c) **Nonconsensual observation of another person's sexuality without the other person's consent, including voyeurism (R.S. 14:283.1), video voyeurism (R.S. 14:283), nonconsensual disclosure of a private image (R.S. 14:283.2), and peeping tom activities (R.S. 14:284).**  
(d) **Sexual assault (R.S. 14:41, 42 through 43.5, 89, 89.1, and 106).**  
(e) **"Sexual exploitation" which means an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse of another person's sexuality including prostituting another person (R.S. 14:46.2 and 82 through 86).**  
(f) **"Sexual harassment" which means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course or academic research.**  
(g) **Stalking (R.S. 14:40.2) and cyberstalking (R.S. 14:40.3).**  
(h) **Unlawful communications (R.S. 14:285).**  
(i) **Unwelcome sexual or sex- or gender-based conduct that is objectively offensive, has a discriminatory intent, and lacks a bona fide academic purpose.**  
(6) **"Responsible employee" means an employee as defined in Paragraph (3) of this Section who receives a direct statement regarding or witnesses an incident of power-based violence. "Responsible employee" does not include an employee designated as a confidential advisor pursuant to R.S. 17:3399.15(B) or an employee who has privileged communications with a student as provided by law.**  
(7) **"System president" means the president of a public postsecondary education system.**  
(8) **"Title IX coordinator" means the individual designated by a public postsecondary education institution as the institution's official for coordinating the institution's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972.**  
**§3399.13. Mandatory reporting of power-based violence**  
**A. Except as provided in Subsection C of this Section, a responsible employee who receives a direct statement regarding or witnesses an incident of power-based violence committed by or against a student shall promptly report the incident to the institution's Title IX coordinator.**  
**B. A responsible employee who receives information regarding retaliation against a person for reporting power-based violence shall promptly report the retaliation to the institution's Title IX coordinator.**  
**C. A responsible employee is not required to make a report if information is received under any of the following circumstances:**  
(1) **During a public forum or awareness event in which an individual discloses an incident of power-based violence as part of educating others.**  
(2) **Disclosure is made in the course of academic work consistent with the assignment.**  
(3) **Disclosure is made indirectly, such as in the course of overhearing a conversation.**  
**D. A report under this Section shall include the following information if known:**  
(1) **The identity of the alleged victim.**  
(2) **The identity of the alleged perpetrator.**



(3) The type of power-based violence or retaliation alleged to have been committed.

(4) Any other information about witnesses, location, date, and time that the incident occurred.

§3399.13.1. Administrative reporting requirements

A. Not later than October tenth and April tenth of each year, the Title IX coordinator of an institution shall submit to the chancellor of the institution a written report on the reports received under R.S. 17:3399.13, including information regarding:

(1) The investigation of those reports.

(2) The disposition, if any, of any disciplinary processes arising from those reports.

(3) The reports for which the institution determined not to initiate a disciplinary process, if any.

(4) Any complaints of retaliation and the status of the investigation of the complaints.

B. The Title IX coordinator of an institution shall immediately report to the chancellor of the institution an incident reported to the coordinator under R.S. 17:3399.13 if the coordinator has cause to believe as a result of the incident that the safety of any person is in imminent danger.

C. The chancellor of each institution shall submit a report to the institution's management board within fourteen days of receiving the report pursuant to Subsection A of this Section from the Title IX coordinator. The report shall include the number of responsible employees and confidential advisors for the institution, the number and percentage of these who have completed required annual training, the number of complaints of power-based violence received by the institution, the number of complaints which resulted in a finding that power-based violations occurred, the number of complaints in which the finding of power-based violations resulted in discipline or corrective action, the type of discipline or corrective action taken, the amount of time it took to resolve each complaint, the number of reports of retaliation, and the findings of any investigations of reports of retaliation. The report shall be posted on the institution's website.

D. The system president shall submit a system-wide summary report within fourteen days of receiving the reports from the chancellors to the management board. The report shall be published on the website of the system.

E. The management board shall send an annual system-wide summary report to the Board of Regents by December thirty-first. The Board of Regents shall post the report on its website.

F. The Board of Regents shall annually submit a report to the governor, the president of the Senate, the speaker of the House of Representatives, and the Senate and House committees on education by January fifteenth which shall include the systemwide and statewide information. The report shall also include any recommendations for legislation. The report shall be published on the website of the Board of Regents.

§3399.13.2. Immunities

A. A person acting in good faith who reports or assists in the investigation of a report of an incident of power-based violence, or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident:

(1) Shall be immune from civil liability and from criminal liability that might otherwise be incurred or imposed as a result of those actions.

(2) May not be subjected to any disciplinary action by the institution in which the person is enrolled or employed for any violation by the person of the institution's code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment.

B. Subsection A of this Section shall not apply to a person who perpetrates or assists in the perpetration of the incident reported under R.S. 17:3399.13.

§3399.13.3. Failure to report or false reporting

A responsible employee who is determined by the institution's disciplinary procedures to have knowingly failed to make a report or, with the intent to harm or deceive, made a report that is knowingly false shall be terminated.

§3399.13.4. Confidentiality

A. Unless waived in writing by the alleged victim, the identity of an alleged victim of an incident reported under R.S. 17:3399.13 is confidential and not subject to disclosure except to:

(1) A person employed by or under contract with the institution to which the report is made, if the disclosure is necessary to conduct the investigation of the report or any related hearings.

(2) A law enforcement officer as necessary to conduct a criminal investigation of the report.

(3) A person alleged to have perpetrated the incident, to the extent required by law.

(4) A potential witness to the incident as necessary to conduct an investigation of the report.

B. The alleged victim shall have the right to obtain a copy of any report made pursuant to this Part that pertains to the alleged victim.

§3399.13.5. Retaliation prohibited

A. An institution shall not discipline, discriminate, or otherwise retaliate against an employee or student who in good faith either:

(1) Makes a report as required by R.S. 17:3399.13.

(2) Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the employee or student as required by R.S. 17:3399.13.

B. Subsection A of this Section does not apply to an employee or student who either:

(1) Reports an incident of power-based violence perpetrated by the employee or student.

(2) Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the employee or student perpetrated an incident of power-based violence.

§3399.14. Coordination with local law enforcement

A. Each On or before January 1, 2022, each institution and law enforcement and criminal justice agency located within the parish of the campus of the institution, including the campus police department, if any, the local district attorney's office, and any law enforcement agency with criminal jurisdiction over the campus, shall enter into and maintain a written memorandum of understanding to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws, including but not limited to trends about sexually-oriented criminal offenses occurring power-based violence committed by or against students of the institution.

B. The Board of Regents' Uniform Policy on Sexual Assault shall require that the memorandum of understanding, as described in Subsection A of this Section, be updated every two years.

C. Each memorandum of understanding entered into pursuant to this Part shall include:

(1) Delineation and sharing protocols of investigative responsibilities.

(2) Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation.

(3) Agreed-upon training and requirements for the parties to the memorandum of understanding on issues related to sexually-oriented criminal offenses power-based violence for the purpose of sharing information and coordinating training to the extent possible.

(4) A method of sharing general information about sexually-oriented criminal offenses power-based violence occurring within the jurisdiction of the parties to the memorandum of understanding in order to improve campus safety.

D. The (5) A requirement that the local law enforcement agency shall include information on its police report regarding the status of the alleged victim as a student at an institution as defined in this Part.

E. The Institutions shall not be held liable if the local law enforcement agency refuses to enter into a memorandum of understanding as required by this Section.

C. Each memorandum of understanding shall be signed by all parties to the memorandum.

D. Each executed memorandum of understanding shall be reviewed annually by each institution's chancellor, Title IX coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

E. Nothing in this Part or any memorandum of understanding entered into pursuant to this Section shall be construed as prohibiting a victim or responsible employee from making a complaint to both the institution and a law enforcement agency.

§3399.15. Campus security policy

A. The Board of Regents shall establish uniform policies and best practices to implement measures to address the reporting of sexually-oriented criminal offenses power-based violence on institution campuses, the prevention of such crimes violence, communication between institutions regarding incidents of power-based violence, and the provision of medical and mental health care needed for these alleged victims that includes the following:

B. Each public postsecondary education management board shall institute policies incorporating the policies and best practices prescribed by the Board of Regents regarding the prevention and reporting of incidents of power-based violence committed by or against students of an institution. The policies, at a minimum, shall require each institution under the board's management to provide for the following:

(1) Confidential advisors. (a) The institution shall designate individuals who shall serve as confidential advisors, such as health care staff, clergy, staff of a women's center, or other such categories. Such designation shall not preclude the institution from partnering with national, state, or local victim services organizations to serve as confidential advisors or to serve in other confidential roles.

(b) Prior to designating a person as a confidential advisor, the person shall complete a training program that includes information on power-based violence, trauma-informed interactions, Title IX requirements, state law on power-based violence, and resources for victims.

(c) The confidential advisor shall complete the training requirements as provided in this Part: annual training relative to power-based violence and Title IX. The initial and annual training shall be developed by

(e) Not later than January 1, 2016, the attorney general in collaboration with the Board of Regents; and shall develop be provided through online training materials, in addition to the training required under this Part, for the training of confidential advisors.

(d) The confidential advisor shall inform the alleged victim of the following:

(i) The rights of the alleged victim under federal and state law and the policies of the institution.

(ii) The alleged victim's reporting options, including the option to notify the institution, the option to notify local law enforcement, and any other reporting options.

(iii) If reasonably known, the potential consequences of the reporting options provided in this Part.

(iv) The process of investigation and disciplinary proceedings of the institution.

(v) The process of investigation and adjudication of the criminal justice system.

(vi) The limited jurisdiction, scope, and available sanctions of the institutional student disciplinary proceeding, and that it should not be considered a substitute for the criminal justice process.

(vii) Potential reasonable accommodations that the institution may provide to an alleged victim.

(viii) The name and location of the nearest medical facility where an alleged victim may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.

(e) The confidential advisor may, as appropriate, serve as a liaison between an alleged victim and the institution or local law enforcement, when directed to do so in writing by an alleged victim who has been fully and accurately informed about what procedures shall occur if information is shared, and assist an alleged victim in contacting and reporting to a responsible employee or local law enforcement.

(f) The confidential advisor shall be authorized by the institution to liaise with appropriate staff at the institution to arrange reasonable accommodations through the institution to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations.

(g) The confidential advisor shall be authorized to accompany the alleged victim, when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings.

(h) The confidential advisor shall advise the alleged victim of, and provide written information regarding, both the alleged victim's rights and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the institution.

(i) The confidential advisor shall not be obligated to report crimes to the institution or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law. The confidential advisor shall, to the extent authorized under law, provide confidential services to students. Any requests for accommodations, as provided in Subparagraph (f) of this Paragraph, made by a confidential advisor shall not trigger an investigation by the institution.

(j) ~~No later than the beginning of the 2016-2017 academic year, the~~ **The** institution shall appoint an adequate number of confidential advisors. The Board of Regents shall determine the adequate number of confidential advisors for an institution, based upon its size, no later than January 1, ~~2016~~ **2022, and on January first annually thereafter.**

(k) Each institution that enrolls fewer than five thousand students may partner with another institution in their system or region to provide the services described in this Subsection. However, this Paragraph shall not absolve the institution of its obligations under this Part.

(l) Each institution may offer the same accommodations to the accused that are hereby required to be offered to the alleged victim.

(2) Website. The institution shall list on its website:

(a) The contact information for obtaining a confidential advisor.

(b) Reporting options for alleged victims of ~~a sexually-oriented criminal offense~~ **power-based violence**.

(c) The process of investigation and disciplinary proceedings of the institution.

(d) The process of investigation and adjudication of the criminal justice system.

(e) Potential reasonable accommodations that the institution may provide to an alleged victim.

(f) The telephone number and website address for a local, state, or national hotline providing information to ~~sexual violence~~ **power-based violence** victims **of power-based violence**, which shall be updated on ~~a timely~~ **at least an annual** basis.

(g) The name and location of the nearest medical facility where an individual may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.

**(h) Each current memorandum of understanding between the institution and a local law enforcement and criminal justice agency located within the parish of the campus.**

(3) Online reporting. The institution ~~may~~ **shall** provide an online reporting system to collect anonymous disclosures of **incidents of power-based violence and crimes** and track patterns of **power-based violence and crimes** on campus. An individual may submit a confidential report about a specific **incident of power-based violence or crime** to the institution using the online reporting system. ~~If the institution uses an online reporting system, the~~ **The** online system shall also include information regarding how to report ~~a~~ **an incident of power-based violence or crime** to a responsible employee and law enforcement and how to contact a confidential advisor.

(4) Amnesty policy. The institution shall provide an amnesty policy for any student who reports, in good faith, ~~sexual~~ **power-based** violence to the institution. Such student shall not be sanctioned by the institution for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of such a report.

(5) Training. ~~(a) Not later than January 1, 2016, the Board of Regents, in~~

~~coordination with the attorney general and in consultation with state or local victim services organizations, shall develop a program for~~ **The institution shall require annual** training for each **responsible employee**, individual who is involved in implementing an institution's student grievance procedures, including each individual who is responsible for resolving complaints of reported sex offenses **power-based violence**, or sexual misconduct policy violations, **each Title IX coordinator at all institutions**, and each employee of an institution who has responsibility for conducting an interview with an alleged victim of a ~~sexually-oriented criminal offense~~ **power-based violence**. Each institution shall ensure that the individuals and employees receive the training described in this Subsection no later than the beginning of the ~~2016-2017~~ **2022-2023** academic year.

**(b) Not later than January 1, 2022, the Board of Regents, in coordination with the attorney general and in consultation with state or local victim services organizations, shall develop the annual training program required by Subparagraph (a) of this Paragraph. The Board of Regents shall annually review and revise as needed the annual training program.**

(6) Inter-campus transfer policy. ~~(a) The Board of Regents' Uniform Policy on Sexual Assault shall require that institutions communicate with each other regarding transfer of students against whom disciplinary action has been taken as a result of a code of conduct violation relating to sexually-oriented criminal offenses.~~

**B. The Board of Regents' Uniform Policy on Sexual Assault shall require that institutions withhold transcripts of students seeking a transfer with pending disciplinary action relative to sexually-oriented criminal offenses, until such investigation and adjudication is complete. Institutions shall implement a uniform transcript notation and communication policy to effectuate communication regarding the transfer of a student who is the subject of a pending power-based violence complaint or who has been found responsible for an incident of power-based violence pursuant to the institution's investigative and adjudication process. The notation and communication policy shall be developed by the Board of Regents, in consultation with the postsecondary education management boards. The policy shall include procedures relative to the withholding of transcripts during the investigative and adjudication process.**

**(7) A victims' rights policy. The institution shall adopt a victims' rights policy, which, at a minimum, shall provide for a process by which a victim may petition and be granted the right to have a perpetrator of an incident of power-based violence against the victim barred from attending a class in which the victim is enrolled.**

§3399.16. Safety education; recognition and reporting of potential threats to safety

A. The administration of each ~~public~~ **postsecondary** institution, in consultation with campus or local law enforcement agencies, shall develop and distribute information to students regarding **power-based violence, campus safety, and** internet and cell phone safety and online content that is a potential threat to school safety. ~~Such information shall include how to recognize and report potential threats to school safety that are posted on the internet, including but not limited to posts on social media.~~

B. The information shall include the following:

(1) Instruction on how to **identify and prevent power-based violence and how to** detect potential threats to school safety exhibited online, including on any social media platform.

(2) ~~Visual examples of possible threats.~~ **How to report incidents of power-based violence, crimes on campus, violations of the student code of conduct, and possible threats to campus safety.**

(3) ~~The reporting processes, as provided in Subsection D of this Section.~~ **Where to find reports regarding campus safety.**

C. The information shall be distributed as part of new student orientation and shall be posted on an easily accessible page of each institution's website.

D. The reporting process **for possible threats to the campus** shall, at a minimum, include:

(1) A standardized form to be used by students, faculty, and other personnel to report potential threats. The form shall request, at a minimum, the following information:

(a) Name of institution, person, or group being threatened.

(b) Name of student, individual, or group threatening violence.

(c) Date and time the threat was made.

(d) Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.

(2) A process for allowing anonymous reporting and for safeguarding the identity of a person who reports ~~a threat.~~ **an incident of power-based violence or a safety threat.**

E. Each institution shall adopt a policy to implement the provisions of this Part. The policy shall require that for every ~~threat report~~ **report of an incident of power-based violence or a safety threat** received, the actions taken by the institution and the campus law enforcement agency or security officers be documented. The policies shall also provide for guidelines on referring the ~~threats reports~~ to the appropriate law enforcement agencies.

§3399.17. Public **institutions** of postsecondary education ~~institutions~~; ~~sexual assault~~ **power-based violence climate** surveys

A. ~~(1) Each public postsecondary education institution shall administer an anonymous sexual assault~~ **power-based violence** climate survey to its students once every three years. If an institution administers other surveys with regard to campus safety, the ~~sexual assault~~ **power-based violence climate** survey may



be included as a separate component of any such survey provided that the ~~sexual assault~~ **power-based violence** component is clearly identified as such.

(2) Participation in the ~~sexual assault~~ **power-based violence** climate survey shall be voluntary; no student shall be required or coerced to participate in the survey nor shall any student face retribution or negative consequence of any kind for declining to participate.

**(3) Each institution shall make every effort to maximize student participation in the survey.**

B. The Board of Regents shall:

(1) Develop the survey in consultation with the public postsecondary education management boards and in accordance with national best practices.

(2) Work with the management boards in researching and selecting the best method of developing and administering the survey.

**(3) Consult with victims' advocacy groups and student leaders who represent a variety of student organizations and affiliations, including student government associations, academic associations, faith-based groups, cultural groups, and fraternities and sororities, when meeting the requirements of Paragraph (1) of this Subsection.**

**(4) Submit a written report on survey results to the House Committee on Education, Senate Committee on Education, and the governor not later than September first following administration of the survey forty-five days prior to the convening of the next Regular Session of the Legislature following the administration of the survey.** The report shall summarize results from each public postsecondary education institution and the state as a whole.

**(4)(5) Publish the survey results on the board's website and in any other location or venue the board deems considers necessary or appropriate.**

C. Each public postsecondary institution shall:

(1) Administer a survey during the 2022-2023 academic year and every third year thereafter.

(2) Report survey results to the **institution's board of supervisors and the Board of Regents.**

**(3) Publish the survey results in a prominent easy to access location on the institution's website.**

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 440**

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**SENATE BILL NO. 247**

(Substitute of Senate Bill No. 202 by Senator Cortez)  
BY SENATORS CORTEZ, JOHNS AND WARD AND  
REPRESENTATIVE STEFANSKI  
AN ACT

To amend and reenact R.S. 13:4721, R.S. 14:90.5(A), (B), and (C), R.S. 27:15(B)(1), 15.1, 24(A)(5) and (6), the introductory paragraph of 27.1(C), 44(9), (11), and (13), 58(5), 65(B)(11), 205(11) and (12), 239.1, 353(2) and (5), 361(F), 364(A)(1)(c)(ii) and (5), 371(C), 372(B) and (C), and 375(D), 417(A)(2)(introductory paragraph), and R.S. 46:1816(B)(8), to enact R.S. 14:90(E) and 90.3(K) and R.S. 27:15(B)(8)(c), 205(35), 249.1, Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 27:601 through 611, and 627, and to repeal R.S. 27:24(A)(5)(f), relative to sports wagering; to provide for definitions; to require a license to conduct sports wagering; to provide relative to duties and powers of the Louisiana Gaming Control Board and the gaming division in the office of state police; to provide for requirements and limitations on licensees and permittees; to authorize cash wagers; to authorize racehorse wagering at certain licensees; to require a sports lounge; to provide regarding a computerized wagering platform; to provide for limitations on wagering; to authorize self-service machines; to authorize electronic wagering through established wager accounts; to provide for recordkeeping; to provide for exceptions from criminal law; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:15(B)(1), 15.1, 24(A)(5) and (6), the introductory paragraph of 27.1(C), 44(9), (11), and (13), 58(5), 65(B)(11), 205(11) and (12), 239.1, 353(2) and (5), 361(F), 364(A)(1)(c)(ii) and (5), 371(C), 372(B) and (C), 375(D), and 417(A)(2)(introductory paragraph) are hereby amended and reenacted and R.S. 27:15(B)(8)(c), 205(35), 249.1, Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950, comprised of R.S. 27:601 through 611, and 627, are hereby enacted to read as follows:

§15. Board's authority; responsibilities

\* \* \*

B. The board shall:

(1) Have all regulatory authority, control, and jurisdiction, including investigation, licensing, and enforcement, and all power incidental or necessary to such regulatory authority, control, and jurisdiction over all aspects of gaming activities and operations as authorized pursuant to the

provisions of the Louisiana Riverboat Economic Development and Gaming Control Act, the Louisiana Economic Development and Gaming Corporation Act, the Video Draw Poker Devices Control Law, and the Louisiana Fantasy Sports Contests Act, and the Louisiana Sports Wagering Act, except as otherwise specified in this Title. Further, the board shall have all regulatory, enforcement, and supervisory authority which exists in the state as to gaming on Indian lands as provided in the provisions of Act No. 888 of the 1990 Regular Session of the Legislature and Act No. 817 of the 1993 Regular Session of the Legislature.

\* \* \*

(8)

\* \* \*

**(c) Adopt, pursuant to the Administrative Procedure Act and as specifically provided for in R.S. 27:603, all rules necessary to implement, administer, and regulate sports wagering as authorized by Chapter 10 of this Title.**

\* \* \*

§15.1. Sports wagering

~~A. In the event of the legalization of sports wagering in any parish as a result of the proposition election held on November 3, 2020, the The Louisiana Gaming Control Board shall have all regulatory authority, control, and jurisdiction, including investigation, licensing, and enforcement, and all power incidental or necessary to such regulatory authority, control, and jurisdiction over all aspects of sports wagering activities and operations, except as otherwise specified in this Title.~~

~~B. For purposes of this Section, "sports wagering" shall be defined as the business of accepting wagers on any sports event or sports contest by any system or method of wagering.~~

\* \* \*

§24. Rulemaking authority; fees and fines, collection

A. The board, in accordance with the Administrative Procedure Act and R.S. 27:15(B)(8), shall promulgate all rules and regulations necessary to carry out the provisions of this Title, including but not limited to the following:

\* \* \*

(5) A procedure requiring the withholding of payments of progressive slot machine annuities and cash gaming winnings of persons who have outstanding child support arrearages or owing child support overpayments, prior to the payment of a progressive slot machine annuity, beginning with the second annuity payment, or cash gaming winnings. Progressive slot machine annuities or cash gaming winnings shall ~~only~~ include **only** payments for which the entity licensed or permitted under Chapters **Chapter 1, 4, 5, or 7, or 10 of this Title 27 of the Louisiana Revised Statutes of 1950**, is required to file form W2-G, or a substantially equivalent form, with the United States Internal Revenue Service.

(a) The board may require that the agency reporting current child support arrearages or overpayments to provide information relating to such arrearages or overpayments in a manner, format, or record approved by the board that gives the entity licensed or permitted under Chapters **Chapter 1, 4, 5, or 7, or 10 of this Title 27 of the Louisiana Revised Statutes of 1950**, real-time or immediate electronic database access to the information. If the information relating to such arrearages or overpayments by the agency reporting current child support arrearages or overpayments is not available through real-time or immediate electronic database access, the licensee shall not be responsible for withholding cash gaming winnings in accordance with the provisions of this Subparagraph.

(b) The board or any entity licensed or permitted under Chapters **Chapter 1, 4, 5, or 7, or 10 of this Title 27 of the Louisiana Revised Statutes of 1950**, including any of its officers, employees, attorneys, accountants, or other agents, shall not be civilly or criminally liable to any person, including any customer, for any disclosure of information made in accordance with this Section, for encumbering or surrendering assets in response to information provided by the Department of Children and Family Services, or for any claims for damages arising from withholding or failing to withhold any progressive slot machine annuities or cash gaming winnings, based upon information provided to it.

(c) If any entity licensed or permitted under Chapters **Chapter 1, 4, 5, or 7, or 10 of this Title 27 of the Louisiana Revised Statutes of 1950**, determines that the winner of a progressive slot machine annuity or cash gaming winnings is a person who has outstanding child support arrearages or owes child support overpayments, the entity licensed or permitted under Chapters **Chapter 1, 4, 5, or 7, or 10 of this Title 27 of the Louisiana Revised Statutes of 1950**, shall deduct the child support arrearage or child support overpayment from the payment of the progressive slot machine annuity or cash gaming winnings. The deducted amount shall be forwarded to the Department of Children and Family Services within seven days, and the entity licensed or permitted under Chapters **Chapter 1, 4, 5, or 7, or 10 of this Title 27 of the Louisiana Revised Statutes of 1950**, shall pay the remainder to the person who has outstanding child support arrearages or owes child support overpayments. If the remainder is equal to or less than zero, the person who has an outstanding child support arrearage or child support overpayment shall not receive a payment.

(d) Any entity licensed or permitted under Chapters **Chapter 1, 4, 5, or 7, or 10 of this Title 27 of the Louisiana Revised Statutes of 1950**, may deduct an administrative fee from each payment of a progressive slot machine annuity, beginning with the second annuity payment, or cash gaming winnings, of persons who have outstanding child support arrearages or owe child support overpayments per singular or periodic payment, not to exceed thirty-five

dollars.

(e) The board shall also require that the entity licensed or permitted under Chapters 1, 4, 5, ~~or 7,~~ **or 10** of Title 27 of the Louisiana Revised Statutes of 1950, adopt procedures designed to prevent employees from willfully failing to withhold payments of progressive slot machine annuities or cash gaming winnings from persons who have outstanding child support arrearages or child support overpayments, based upon the information provided by the Department of Children and Family Services that allows the licensee to identify such persons.

(6) The administration and enforcement of accumulating unclaimed monies on which the time period for collection has expired, the remittance thereof to the state treasurer, and related matters as required by R.S. 27:94, 252, ~~and 394,~~ **and 609.**

\* \* \*

§27.1. Uniform compulsive and problem gambling program

\* \* \*

C. Within one hundred twenty days from the adoption of the rules provided for in Subsection B of this Section, each holder of a license as defined in R.S. 27:44(14), R.S. 27:353(5), **and 602,** and the casino gaming operator shall submit for approval to the board a comprehensive program that provides policies and procedures that, at a minimum, shall cover the following areas of concern and are designed to:

\* \* \*

§44. Definitions

When used in this Chapter, the following terms shall mean:

\* \* \*

(9)(a) “Game” means any banking or percentage game which is played with cards, dice, or any electronic, electrical, or mechanical device or machine for money, property, or any thing of value. “Game” does not include a lottery, bingo, pull tabs, raffles, electronic video bingo, cable television bingo, dog race wagering, or any wagering on any type of sports event, including but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event. ~~Game~~ **“Game”** shall also include racehorse wagering.

**(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary, “game” shall include wagering on certain sports events through its sports book for a licensee who is also licensed by the board in accordance with Chapter 10 of this Title.**

\* \* \*

(11)(a) “Gaming device” or “gaming equipment” means any equipment or mechanical, electro-mechanical, or electronic contrivance, component, or machine, including a slot machine, used directly or indirectly in connection with gaming or any game, which affects the result of a wager by determining wins or losses.

**(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary “gaming device” or “gaming equipment” shall also include a sports wagering mechanism as that term is defined in R.S. 27:602 if the riverboat gaming operator is also licensed by the board for a sports book in accordance with Chapter 10 of this Title.**

\* \* \*

(13) “Gaming position” means a gaming device seat or a space at a table game. Each gaming device seat shall be counted as one position and each space at a table game shall be counted as one position, subject to the rules and regulations of the board. The board shall specifically provide by rule for the counting of gaming positions for devices and games where seats and spaces are not readily countable. **“Gaming position” shall not include a seat or space at a sports wagering mechanism or at a sports wagering window.**

\* \* \*

§58. Division responsibilities

The division shall:

\* \* \*

(5)(a) Require all licensees to utilize a cashless wagering system, except for racehorse wagering and the play of slot machines, whereby all players’ money is converted to tokens, electronic cards, or chips used only for wagering in the gaming establishment.

**(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary, a licensee may accept cash wagers in its sports book if it is also licensed by the board in accordance with Chapter 10 of this Title.**

\* \* \*

§65. Licenses to conduct gaming activities upon riverboats; limitations

\* \* \*

B. Gaming shall be conducted aboard riverboats, subject to the following requirements:

\* \* \*

(11)(a) Except for racehorse wagering and the play of slot machines, gaming wagers may be made only with tokens, chips, vouchers, coupons, or electronic cards issued by the licensee. Such tokens, chips, vouchers, coupons, or electronic cards may be used while aboard the riverboat only for the purpose of making wagers on gaming games. Electronic cards may be used which are affixed with a magnetic storage media, a “smart card” or those containing an integrated circuit chip, but excluding credit cards issued by any other entity or institution or cards which automatically withdraw funds from a credit, savings, or checking account held at a depository institution as defined by Section 3 of the Federal Deposit Insurance Act, which includes any credit union.

**(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to**

**THE ADVOCATE** \* As it appears in the enrolled bill

**PAGE 32**

**the contrary, if the riverboat is also licensed by the board for a sports book in accordance with Chapter 10 of this Title, sports wagers may also be made in cash or through a patron’s verified sports wagering account.**

\* \* \*

§205. Definitions

When used in this Chapter, the following terms have these meanings:

\* \* \*

(11)(a) “Game” means any banking or percentage game located exclusively within an official gaming establishment which is played with cards, dice, or any electronic, electrical, or mechanical device or machine for money, property, or any thing of value. ~~Game~~ **“Game”** does not include lottery, bingo, charitable games, raffles, electronic video bingo, pull tabs, cable television bingo, wagering on dog ~~or horse~~ races, sports betting, or wagering on any type of sports event, ~~inclusive~~ **including** but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event. **“Game” shall also include racehorse wagering.**

**(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary, “game” shall include sports betting through its sports book if the casino gaming operator is licensed by the board in accordance with Chapter 10 of this Title.**

(12)(a) “Gaming device” means any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used directly or indirectly in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes a system for processing information which can alter the normal criteria of random selection, which affects the operation of any game, or which determines the outcome of a game. The term does not include a system or device ~~which that~~ affects a game solely by stopping its operation so that the outcome remains undetermined.

**(b) Notwithstanding any provision of Subparagraph (a) of this Paragraph to the contrary, “gaming device” shall also include a sports wagering mechanism as that term is defined in R.S. 27:602 if the casino gaming operator is also licensed by the board for a sports book in accordance with Chapter 10 of this Title.**

\* \* \*

(35) “Racehorse wagering” means wagers placed on horse racing conducted under the pari-mutuel form of wagering at licensed racing facilities that are accepted by a licensed racehorse wagering operator in accordance with the provisions of this Chapter.

\* \* \*

§239.1. Wagering at the official gaming establishment

**Wagering A. Except for racehorse wagering and as provided in Subsection B of this Section, wagering** at the official gaming establishment may be made with tokens, chips, vouchers, coupons, or electronic cards issued by the casino gaming operator or an approved casino manager acting on behalf of the casino gaming operator. Electronic cards may be used which are affixed with a magnetic storage media, a “smart card” or those containing an integrated circuit chip, but excluding credit cards issued by any other entity or institution or cards which automatically withdraw funds from a credit, savings, or checking account held at a depository institution as defined by Section 3 of the Federal Deposit Insurance Act, which includes any credit union.

**B. Notwithstanding any provision of Subsection A of this Section to the contrary, if the casino gaming operator is issued a license to operate a sports book by the board in accordance with Chapter 10 of this Title, sports wagers at the official gaming establishment may also be made in cash or through a patron’s verified sports wagering account.**

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§249.1. Issuance of permit to conduct racehorse wagering

**A. The division shall issue a permit to a qualified racehorse wagering operator to conduct racehorse wagering at the official gaming establishment in accordance with the provisions of this Chapter.**

**B. An applicant for a permit to conduct racehorse wagering shall submit with his application a written contract of the terms between the applicant and the casino gaming operator authorizing the applicant to conduct racehorse wagering at the official gaming establishment.**

**C. The division shall promulgate rules and regulations for the conducting of racehorse wagering at the official gaming establishment in accordance with the provisions of this Chapter.**

**D. The racehorse wagering operator shall deliver to the designated representative at the licensed racing association operated by the racehorse wagering operator twenty-five percent of the audited net profits derived from racehorse wagering authorized under this Part for use as purse supplements. These funds shall be used in addition to all other funds available for use as purses under current provisions of law. Such amounts shall be paid quarterly, within thirty days of the end of each quarter.**

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§353. Definitions

When used in this Chapter, the following terms shall have these meanings:

\* \* \*

(2) “Designated ~~slot machine~~ gaming area” means the contiguous area of an eligible live racing facility at which ~~slot machine~~ gaming may be conducted in accordance with the provisions of this Chapter, determined by measuring the area, in square feet, inside the interior walls of the licensed eligible facility, excluding any space therein in which gaming activities may not be conducted, such as bathrooms, stairwells, cage and beverage areas, and emergency evacuation routes of any width that meet or exceed the minimum

CODING: Words in ~~struck through~~ type are deletions from existing law; words under- scored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.



size required by law.

(5) “Emergency evacuation route” means those areas within the designated slot machine gaming area of a licensed eligible facility which are clearly defined and identified by the licensee as necessary and approved by the state fire marshal or other federal or state regulatory agency for the evacuation of patrons and employees from the facility, and from which and in which no gaming activity may occur.

§361. Conduct of slot machine gaming; temporary conduct

F.(1) Wagering at an eligible live racing facility may be made with tokens, chips, vouchers, coupons, or electronic cards issued by the licensed eligible facility or an approved facility manager acting on behalf of the facility. Electronic cards may be used which are affixed with a magnetic storage media, a “smart card” or those containing an integrated circuit chip, but excluding credit cards issued by any other entity or institution or cards which automatically withdraw funds from a credit, savings, or checking account held at a depository institution as defined by Section 3 of the Federal Deposit Insurance Act, which includes any credit union.

(2) Notwithstanding any provision of Paragraph (1) of this Subsection to the contrary, if the holder of a license as defined in R.S. 27:353 is also issued a license to operate a sports book by the board in accordance with Chapter 10 of this Title, sports wagers at the eligible facility may also be made in cash or through a patron’s verified sports wagering account.

§364. Gaming Control Board; powers and duties

A. The board shall:

(1) (c) Such rules may include:

(ii) Requiring certain minimum physical security standards be observed in designated slot machine gaming areas.

(5) Approve the location, plans, and construction of the designated slot machine gaming area in an eligible facility.

§371. Prohibition on operation of video draw poker devices; prohibition on any other type of game

C.(1) Nothing in this Chapter shall be construed to permit the operation or play of any type of game the play of which requires the participation of an employee of the licensee.

(2) Notwithstanding any provision of Paragraph (1) of this Subsection to the contrary, participation of an employee of the licensee may be permitted if the licensee is also issued a license to operate a sports book by the board in accordance with Chapter 10 of this Title and the employee’s participation is in compliance with and regarding activities related to operations regulated by that Chapter.

§372. Slot machine gaming Gaming area limitations

B.(1) No gaming devices other than slot machines and authorized pari-mutuel wagering devices and equipment shall be in the designated slot machine gaming area.

(2) Notwithstanding any provision of Paragraph (1) of this Subsection to the contrary, sports wagering mechanisms as that term is defined in R.S. 27:602 may also be authorized in the designated gaming area if the holder of a license as defined in R.S. 27:353 is also issued a license to operate a sports book by the board in accordance with Chapter 10 of this Title.

C. As used in this Section, “gaming position” means a slot machine seat. Each slot machine seat shall be counted as one position, subject to the rules and regulations of the board. The board shall specifically provide by rule for the counting of gaming positions for devices and games where seats and spaces are not readily countable. “Gaming position” shall not include a seat or space at a sports wagering mechanism or at a sports wagering window.

§375. Crimes and penalties; false statements; unauthorized slot machines; skimming of slot machine proceeds; payroll check cashing; gambling devices

D. Any owner of an eligible facility who has been granted a license to operate slot machine gaming who cashes or accepts for cashing or permits any employee or other person to cash or accept for cashing an identifiable employee payroll check in the designated slot machine gaming area shall, upon conviction, be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

§417. Qualified truck stop criteria; amenities

A. As used in this Chapter, a qualified truck stop facility shall mean a facility covering at least five developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers, and which also meets all of the following criteria:

(2) It must have a Class A-General retail permit operating as a sports wagering lounge which sells food or an onsite restaurant, except for reason of force

majeure affecting the ability to maintain the onsite restaurant for a reasonable period of time as determined by the division following the interruption of such ability, which for the purposes of qualifying as a qualified truck stop facility, shall be required to have only the following features:

CHAPTER 10. SPORTS WAGERING  
PART I. GENERAL PROVISIONS

§601. Title and citation; privilege

A. This Chapter shall be cited and referred to as the “Louisiana Sports Wagering Act”.

B. Any license, permit, approval, or thing obtained or issued pursuant to the provisions of this Chapter is expressly declared by the legislature to be a pure and absolute revocable privilege and not a right, property or otherwise, under the constitution of the United States or of the state of Louisiana. Further, the legislature declares that no holder of any license or permit acquires any vested interest or right therein or thereunder.

§602. Definitions

For purposes of this Chapter, the following terms shall have the following meanings ascribed to them unless the context clearly indicates otherwise:

(1) “Anti-money laundering standards” or “AML” means the requirements and guidelines provided in the federal Bank Secrecy Act of 1970, as amended, and the Anti-Money Laundering Act of 2020, as amended, for the prevention and detection of money laundering and the financing of terrorism.

(2) “Applicant” means a person, business, or legal entity who has submitted an application to the board seeking a license or permit, or the renewal of a license or permit.

(3) “Application” means the forms and schedules prescribed by the board upon which an applicant seeks a license or permit, or the renewal of a license or permit. An application shall also include any other information or fee required by the board to be submitted with an application such as disclosure statements, financial statements, and any type of fees.

(4) “Board” means the Louisiana Gaming Control Board, as established by R.S. 27:11.

(5) “Business or legal entity” shall have the same meaning as that term is defined in R.S. 27:3.

(6) “Division” shall have the same meaning as that term is defined in R.S. 27:3.

(7) “Electronic sports wagering” means sports wagering via a sports wagering mechanism on a licensee’s premises or through a website or mobile application.

(8) “License” means a license or authorization to operate, or to contract with a sports wagering platform provider to operate, a sports book in this state in compliance with the provisions of this Chapter.

(9) “Licensee” means any person issued a license by the board.

(10) “Louisiana State Racing Commission” means the commission established in R.S. 4:144.

(11) “Mobile application” means an application on a mobile phone or other device through which a player is able to register, fund, and place a wager with an operator on a sports event and receive a credit on the player’s sports wagering account.

(12) “Mobile wagering” means wagering on a sports event through a website or mobile application.

(13) “Net gaming proceeds” means the amount equal to the total gross revenue of all wagers placed by patrons less the total amount of all winnings paid out to patrons and the amount of eligible promotional play determined pursuant to R.S. 27:627.

(14) “Operator” or “sports wagering operator” means the entity that actually books a sports wager. The operator may be:

(a) The licensee who manages and operates a sports book itself.

(b) The licensee’s contracted sports wagering platform provider, in accordance with the scope of that contract, when the licensee chooses to contract the management and operation of all or a portion of its sports book line-of-business with a platform provider.

(15) “Patron” or “player” means an individual who places a wager on a sports event.

(16) “Permit” has the same meaning as that term is defined in R.S. 27:3.

(17) “Permittee” has the same meaning as that term is defined in R.S. 27:3.

(18) “Person” has the same meaning as that term is defined in R.S. 27:3.

(19) “Representation of value” means tokens, chips, vouchers, coupons, or electronic cards that are issued by the licensee and authorized for use in sports wagering by rules and regulations promulgated by the board.

(20) “Sports book” means the offering of sports wagering by an operator on a licensee’s premises or through a sports wagering platform.

(21) “Sports event” means any professional sport or athletic event, any collegiate sport or athletic event, any amateur sport or athletic event, any Olympic or international sports competition event, any competitive video game or other electronic sports event, or any other special event or competition of relative skill as authorized by the board to be a sports event for purposes of this Chapter. “Sports event” shall not include high school sports, youth events, any international sports events where the majority of the participants are under the age of eighteen years, fantasy sports contests as provided in Chapter 6 of this Title, and any event prohibited by law.

(22) “Sports wager” or “sports bet” means a sum of money or representation of value risked by a player on an occurrence associated with a sports event for which the outcome is uncertain. The term includes but is not limited to single-game bets, teaser bets, parlay bets, over-under bets, moneyline bets, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and straight bets.

(23) “Sports wagering” means the acceptance of wagers on sports events or on portions of a sports event or on the individual performance or statistics of athletes or participants in a sports event or a combination of sports events, by any system or method of wagering.

(24) “Sports wagering account” means an electronic financial record established with an operator for an individual patron in which the patron may deposit and withdraw funds for sports wagering and other authorized purchases and to which the operator may credit winnings or other amounts due to that patron or authorized by that patron.

(25) “Sports wagering mechanism” or “kiosk” means a board-approved self-service mechanical, electrical, or computerized terminal, device, apparatus, or piece of equipment that is directly tied to a licensee’s approved sports wagering platform that allows a patron to place a sports wager in a board-approved location on a licensee’s premises. “Sports wagering mechanism” does not include a personal computer, mobile phone, or other device owned and used by a player to wager on a sports event.

(26) “Sports wagering platform” means an integrated system of hardware, software, or applications, including mobile applications and servers, through which an operator conducts the business of offering sports wagering in accordance with this Chapter.

(27) “Sports wagering platform provider” means a suitable business or legal entity that holds a permit from the board to engage in the operation of a sports book on behalf of a licensee.

#### §603. Gaming Control Board; state police; duties and powers

A.(1) The board shall perform the duties and functions as authorized by this Chapter and shall possess authority, control, and jurisdiction and all power incidental and necessary thereto with respect to the regulation of sports wagering as provided by Chapters 1 and 2 of this Title.

(2)(a) In accordance with the Administrative Procedure Act, the board shall:

(i) Develop qualifications and standards and a process and procedure for the issuance of a license to operate a sports book as well as the renewal thereof. A process and procedure for notification to eligible applicants of available licenses as required by R.S. 27:604(B) shall be included.

(ii) Develop qualifications and standards and a procedure and process for permitting sports wagering platform providers, manufacturers, suppliers, and personnel as well as the renewals thereof.

(iii) Promulgate forms, processes, and procedures necessary to implement, administer, and regulate sports wagering as authorized by this Chapter.

(iv) Establish standards for the amount of reserves required to be maintained by an operator and the allowable form of those reserves, including standards for initial reserves for a new licensee or newly permitted sports wagering platform provider.

(v) Establish guidelines for the acceptance of wagers on a series of sports events by an operator.

(vi) Prohibit an operator from unilaterally rescinding a wager except in compliance with rules of the board.

(vii) For cash wagers placed in person or via a sports wagering mechanism, establish standards for the type of wagering tickets which may be used, information required to be printed on a ticket, and methods for issuing tickets.

(viii) Establish the method of accounting to be used by an operator, the types of records required to be kept, and the length of time records shall be retained.

(ix) Require an operator to comply with AML standards.

(x) Provide standards for the use of credit and checks by players and other protections for players.

(xi) Require an operator to submit for approval by the board its internal controls for all aspects of electronic wagering, including procedures for system integrity, system security, operations, accounting, patron disputes, and reporting of problem gamblers.

(xii) Require an operator to submit for approval by the board its operational controls for server-based gaming systems, software, and hardware utilized on electronic sports wagering, including but not limited to appearance, functionality, contents, collection, storage and retention of data, and security.

(xiii) Require an operator to submit for approval by the board its operational controls for patron’s sports wagering accounts, including but not limited to procedures for establishment and closure of an online account, funding for withdrawal of funds from an online account, and generation of an account statement.

(xiv) Establish standards for servers and other equipment used to accept wagers by operators and procedures for inspection and for addressing defective or malfunctioning devices, equipment, and accessories related to sports wagering.

(xv) Require an operator to post the toll-free telephone number available to provide information and referral services regarding compulsive or problem gaming.

(xvi) Require each operator to submit for board approval a responsible gaming policy that allows patrons to restrict themselves from placing wagers with the operator, including limits on time spent wagering and limits on amounts wagered, and identifies actions by the operator to honor those self-imposed restrictions.

(b) For purposes of expeditious implementation of the provisions of this Chapter, the promulgation of the initial administrative rules pertaining to this Chapter shall be considered to constitute a matter of imminent peril to public health, safety, and welfare as provided in R.S. 49:953(B) or 953.1.

B.(1) The gaming division of the office of state police shall, at all times considered appropriate by the board, be charged with inspecting and ensuring compliance with all the requirements of this Chapter.

(2) The gaming division of the office of state police may be charged by the board with any other tasks deemed necessary to the regulation of sports wagering in this state.

## **PART II. LICENSEE AND PLATFORM PROVIDER**

### §604. License; limited; requirements; contract with platform provider

A.(1) No person, business, or legal entity shall operate a sports book without first being licensed by the board.

(2) The license to engage in the business of operating a sports book shall be in addition to any other license required by law.

B.(1) The board shall issue no more than twenty licenses to operate sports books. The board shall first consider applications for licensing from the following:

(a) The casino gaming operator as defined in R.S. 27:205 and provided for in Chapter 5 of this Title.

(b) The holder of a license as defined in R.S. 27:44 and provided for in Chapter 4 of this Title.

(c) The holder of a license as defined in R.S. 27:353 and provided for in Chapter 7 of this Title, provided the holder of the license also has the approval of the Louisiana State Racing Commission to apply to be licensed for a sports book.

(2)(a) For the initial application process, if any entity identified in Paragraph (1) of this Subsection elects not to apply for a license or fails to submit a completed application to the board prior to January 1, 2022, or within thirty days of applications being available, whichever is later, it shall not be considered for a license. The board may consider for the remaining licenses, applications from:

(i) Licensed establishments as defined in R.S. 27:402 and provided for in Chapter 8 of this Title. Any licensed establishment that is also licensed by the Louisiana State Racing Commission with the commission’s approval may apply to be licensed to operate a sports book.

(ii) Operators as defined in R.S. 27:302 and provided for in Chapter 6 of this Title.

(b) From the licensed establishments and operators identified in Subparagraph (a) of this Paragraph, if the number of applications received by the board that are determined to be from eligible applicants exceeds the number of licenses available, the board shall provide for a concealed bid process and issue the available licenses, in accordance with the board’s ranking of the bids, to the applicants that in the board’s discretion have the greatest potential for revenue generation for the state.

(3)(a) Should a license become available after the initial issuance, the board shall notify any entity identified in Paragraph (1) of this Subsection who does not have a sports wagering license about the available license and provide those entities an opportunity to apply for the license by a certain date. If the number of applications determined by the board to be eligible applicants exceeds the number of available licenses, the board shall provide for a concealed bid process and issue the available licenses, in accordance with the board’s ranking of the bids, to the applicants that in the board’s discretion have the greatest potential for revenue generation for the state.

(b) Should a license become available after the initial issuance and entities identified in Paragraph (1) of this Subsection decline to apply or the number of available licenses exceeds the number of entities identified in Paragraph (1) of this Subsection who are interested, the board shall notify the entities identified in Subparagraph (2)(a) of this Subsection who do not have a sports wagering license about the available license and provide those entities an opportunity to apply for the license by a certain date. If the number of applications determined by the board to be eligible applicants exceeds the number of available licenses, the board shall provide for a concealed bid process and issue the available licenses, in accordance with the board’s ranking of the bids, to the applicants that in the board’s discretion have the greatest potential for revenue generation for the state.

C. The board shall issue a license to operate a sports book only to an applicant determined by the board to be suitable. In addition to the standards provided in R.S. 27:28, in determining an applicant’s suitability as a sports wagering licensee, the board may request from an applicant, and consider as a factor in the determination, any or all of the following:

(1) The applicant’s capitalization adequacy and the financial ability and means to develop, construct, operate, and maintain infrastructure to support sports wagering activities and operations in compliance with this Chapter and any administrative rules promulgated by the board.

(2) The applicant’s financial ability to purchase and maintain adequate liability and casualty insurance and to provide an adequate surety bond.

(3) The applicant’s capitalization adequacy and financial ability to responsibly pay its secured and unsecured debts in accordance with its financing agreements and other contractual obligations.

(4) The applicant’s history of material noncompliance with licensing requirements or any other regulatory requirements in the state or in any other jurisdiction, where the noncompliance resulted in enforcement action by the person with jurisdiction over the applicant.

(5) The applicant’s filing or having filed against it a proceeding for bankruptcy, or involvement in any formal process to adjust, defer, suspend, or otherwise negotiate the payment of any debt.

(6) The applicant’s being named as a defendant in litigation involving the integrity of its business practices.

D. Each applicant shall submit as part of its application a detailed plan of design of its sports book lounge and other areas of its establishment where sports wagering mechanisms may be placed. The board shall issue a license only to an applicant whose detailed plan of design the board finds acceptable.



E. The board shall issue not more than twenty licenses to applicants that meet the provisions of this Section and all other qualifications and standards as determined by the board.

F.(1) A licensee may operate the sports book itself or contract for operation of its onsite or electronic wagering with a sports wagering platform provider. Only a licensee, or its sports wagering platform provider on its behalf, shall process, accept, offer, or solicit sports wagers.

(2) A licensee shall be responsible for the conduct of its sports wagering platform provider.

G. Prior to beginning operations, an operator shall install and thereafter maintain a computerized bookmaking system, referred to in this Chapter as a sports wagering platform, that meets the specifications required by law and by rule and is approved by the board.

#### §605. Sports wagering platform provider

A.(1) The board shall issue a sports wagering platform provider permit to a suitable person who desires to contract with a licensee to manage or operate all or a portion of a licensee's sports book line-of-business. A person shall not manage or operate all or a portion of a licensee's sports book unless it possesses a valid permit.

(2) In addition to the standards provided in R.S. 27:28, in determining an applicant's suitability as a sports wagering platform provider, the board may request from the applicant and consider as a factor in its determination any of the items of information listed in R.S. 27:604(C) that it considers relevant.

B.(1) A sports wagering platform provider shall contract with a licensee to provide sports wagering services.

(2) Any contract between the licensee and its sports wagering platform provider shall provide for access by the board and the division to any information maintained by the platform provider for verification of compliance with this Chapter.

C. A sports wagering platform provider shall use no more than one sports wagering platform to offer, conduct, or operate a sports book on behalf of the licensee.

D. A sports wagering platform provider shall keep books and records for the management and operation of sports wagering as authorized by this Chapter and for services for which it is contracted by a licensee. The keeping of books and records shall be separate and distinct from any other business the sports wagering platform provider operates. A sports wagering platform provider shall file quarterly reports with the board listing all of its contracts and services related to sports wagering authorized under this Title.

E.(1) The board shall provide by rule for the standards and requirements of a sports wagering platform. The rules shall specify technical requirements as well as operational requirements.

(2) Only a sports wagering platform that meets the standards and requirements as provided by rule may be used by an operator to book sports wagers.

F. The sports wagering platform provider shall provide the division with a readily available point of contact to ensure compliance with the requirements of this Chapter.

G. All servers responsible for the processing of sports wagers shall be physically located in Louisiana. Any other servers used in connection with the sports wagering platform provider may be located outside Louisiana and nothing in this Chapter shall prevent the use of cloud computing.

H. Any sports wagering platform utilized for electronic wagering shall have a component of its design to reasonably verify that the person attempting to place the wager is:

(1) At least twenty-one years of age.

(2) Physically located in the state and not physically located in a parish that has not approved a proposition to authorize sports wagering at the time the wager is initiated or placed.

(3) Not a person who is otherwise prohibited from wagering with the operator through law, rule, policy of the operator, self-exclusion, or pursuant to R.S. 27:27.1.

#### §606. Temporary certificate of authority

A. When considering a person's application for a license to conduct sports wagering or a permit as a sports wagering platform provider or service provider, the board may issue to the person a temporary certificate of authority to conduct business pursuant to this Chapter if all of the following apply:

(1) The person has filed with the board a completed application, including all fees.

(2) The person has substantially demonstrated to the satisfaction of the board that the person meets the requirements of this Chapter, the board's rules, including emergency rules, and the board's or division's orders.

(3) The person applying for a permit as a sports wagering platform provider or service provider holds a gaming license or permit for similar activity in Louisiana or another state of the United States and the license or permit is in good standing.

(4) The person agrees in writing to the following conditions of the temporary certificate of authority issued pursuant to this Section:

(a) The temporary certificate of authority does not create a right or privilege.

(b) The board may rescind the person's temporary authority to conduct business under this Section at any time, with or without notice to the person and without a hearing, if either of the following apply:

(i) The board is informed that the suitability of the person may be at issue.

(ii) The person fails to cooperate with the investigation into the qualifications and suitability of the person applying for a license or the person applying for a permit as a sports wagering platform provider or service provider.

B.(1) The temporary certificate of authority shall expire six months after

issuance.

(2) The board may issue one ninety-day extension of the certificate upon a showing of good cause.

(3) If a license or permit is issued to the holder of a temporary certificate of authority, the license or permit term shall begin on the date of issuance of the temporary certificate of authority.

### PART III. WAGERING

#### §607. Operators; sports lounge required; responsibilities; pooling

A.(1) An operator may conduct sports wagering in person or via a sports wagering mechanism located on its premises or through a website or mobile application.

(2) Each licensee shall house its retail sports book in a sports wagering lounge on its premises which shall be restricted to patrons who are twenty-one years of age or older and shall conform to all requirements concerning square footage, design, equipment, security measures, and related matters which the board shall prescribe by rule.

B. An operator shall establish and display the odds at which wagers may be placed on sports events. No operator shall accept a wager in person, via a sports wagering mechanism, or through a website or mobile application unless the wagering proposition is posted by electronic or manual means.

C. An operator shall adopt comprehensive rules, which shall be approved by the board, governing sports wagering transactions with its patrons. The rules shall specify the amount to be paid on winning wagers and the effect of schedule changes. The rules, together with any other information the board deems appropriate, shall be conspicuously displayed in the establishment, posted electronically on any sports wagering mechanism, website, or mobile application, and included in the terms and conditions of the sports wagering account system.

D. An operator shall maintain records of sports wagering activities and operations in accordance with rules and regulations of the board and follow federal anti-money laundering standards in the day-to-day operations of its business.

E. Each operator shall designate one or more key employees who shall be responsible for the operation of the sports book.

F. All wagers on sports events authorized pursuant to this Chapter shall be initiated, received, and otherwise made within the state unless otherwise determined by the board in accordance with applicable federal and state laws and regulations. Consistent with the Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. 5361 et seq., the intermediate routing of electronic data relating to a lawful intrastate wager authorized by this Chapter shall not determine the location or locations in which the wager is initiated, received, or otherwise made.

G. An operator may pool wagers with persons who are not physically present in this state if the board determines that this wagering is not inconsistent with the law of this state or any federal law, including the law of any foreign nation in which the person is located, or that the wagering is conducted pursuant to a reciprocal agreement to which the state is a party that is not inconsistent with federal law.

#### §608. Limitations on wagering

A.(1) To place a sports wager with an operator, a player shall meet all of the following:

(a) Be twenty-one years of age or older.

(b) Be physically located in a parish that has approved a proposition authorizing sports wagering.

(c) Have a wagering account established with the operator, if the player is attempting to place the sports wager through a website or mobile application.

(d) Not be prohibited from wagering with the operator by law, rule, policy of the operator, or self-exclusion, or pursuant to R.S. 27:27.1.

(2) In order to accept a sports wager from a player, an operator shall confirm that the player meets all of the following criteria:

(a) Is twenty-one years of age or older.

(b) Is physically located in a parish that has approved a proposition authorizing sports wagering.

(c) Has an existing sports wagering account with the operator, if the wager is being placed through a website or mobile application.

(d) Is not prohibited from wagering with the operator by law, rule, policy of the operator, or self-exclusion, or pursuant to R.S. 27:27.1.

B.(1) An operator shall not knowingly accept a wager from a person who is an athlete, coach, referee or other official, or staff of a participant or team that is participating in the sports event on which the person is attempting to place the wager.

(2) An operator shall not knowingly accept a wager from a person who is the operator itself or is a director, officer, owner, or employee of the operator or any relative or other person living in the same household as a director, officer, owner, or employee of the operator.

C. No sports wagers may be accepted or paid by any operator on any of the following:

(1) On any sport or athletic event not authorized by law or the board.

(2) On any sport or athletic event which the operator knows or reasonably should know are being placed by or on behalf of an athlete, coach, referee or other official, or staff of a participant or team that is participating in that event.

(3) On the occurrence of injuries or penalties, or the outcome of an athlete's disciplinary rulings, or replay reviews.

(4) On other types, forms, or categories of wagering prohibited by the board by rule.

D. Subject to the rules of the board, an operator shall promptly report to the

board on the following activities:

(1) Any criminal or disciplinary proceedings commenced against the licensee or its employees, or a sports wagering platform provider or its employees, in connection with the operations of the sports book.

(2) Any abnormal wagering activity or patterns that may indicate a concern about the integrity of a sports event.

(3) Any other conduct with the potential to corrupt a wagering outcome of a sports event for purposes of financial gain, including but not limited to match fixing.

(4) Suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification.

E. Every operator shall adopt procedures to obtain personally identifiable information from any individual who places an in-person single wager in an amount of ten thousand dollars or greater on a sports event.

F.(1) A sports governing body may submit to the board in writing a request to restrict, limit, or exclude a certain type, form, or category of sports wagering with respect to sporting events of its body if the sports governing body believes that such type, form, or category of sports wagering with respect to sporting events of its body may undermine the integrity or perceived integrity of the body or sporting event of the body.

(2) The board shall request comments from operators on any request it receives pursuant to Paragraph (1) of this Subsection.

(3) After due consideration to all comments received, the board shall grant the request if the board finds a demonstration of good cause from the requestor that such type, form, or category of sports wagering is likely to undermine the integrity or perceived integrity of the body or the sporting event.

(4) The board shall respond to a request concerning a particular event before the start of the event, or if it is not feasible to respond before the start of the event, no later than thirty days after the request is made.

(5) If the board determines that the requestor is more likely than not to prevail in successfully demonstrating good cause for its request, the board may provisionally grant the request of the sports governing board until the board makes a final determination as to whether the requestor has demonstrated good cause. Absent such a provisional grant by the board, operators may continue to offer sports wagering on the sporting events that are the subject of such a request during the pendency of the board's consideration of the applicable request.

§609. Electronic wagering; kiosk; mobile wagering

A.(1) Electronic wagering may be conducted only to the extent that it is conducted in accordance with this Chapter and in accordance with the rules and regulations promulgated by the board.

(2) An operator may accept wagers made electronically using a sports wagering mechanism located on its premises or through a website or mobile application.

B. Sports wagering mechanism. (1) A player may place a wager via a sports wagering mechanism with cash or vouchers or by utilizing the player's established sports wagering account.

(2) Sports wagering mechanisms shall be located only on a licensee's premises in areas where accessibility is limited to patrons twenty-one years of age or older.

(3)(a) Sports wagering mechanisms shall be branded in the same brand as the licensee, or the sports wagering platform provider, or both.

(b) Each sports wagering mechanism shall:

(i) Not have any device or program that will alter the reading of a bet, value, or amount of wagering or deposits to reflect a bet, value, or amount other than that actually wagered or deposited or any switches, jumpers, wire posts, or any other means of manipulation that could affect the operation or outcome of a wager.

(ii) Not have any device, switch, program, or function that can alter the readings of the actual amounts or values relating to any function or occurrence of the mechanism.

(iii) Have separate secure areas with locking doors for the logic board and software, the cash compartment, and the mechanical meters as required by the rules of the board. Access to one area from the other shall not be allowed at any time.

(iv) Not have any functions or parameters adjustable by or through any separate video display or input codes, except for the adjustment of features that are wholly cosmetic.

(v) Have a circuit-interrupting device, method, or capability that will disable the machine if the board-approved program is accessed or altered.

(vi) Have a serial number or other identification number permanently affixed to the mechanism by the manufacturer.

(c) Each sports wagering mechanism shall be linked to an operator's sports wagering platform for purposes of polling or reading mechanism activities and for remote shutdown of mechanism operations. If the platform fails as a result of a malfunction or catastrophic event, or the mechanism loses connectivity to the platform, the mechanism shall not accept any additional wagers until the connection to the platform is restored.

(d) The board may provide for additional specifications for mechanisms to be approved and authorized pursuant to the provisions of this Chapter as it considers necessary to maintain the integrity of sports wagering mechanisms and operations.

(4)(a) Any sports wager placed with cash via a sports wagering mechanism shall be evidenced by a ticket indicating the name of the operator booking the wager, the sports event on which the wager was placed, the amount of cash wagered, the type of bet and odds if applicable, the date of the event, and any other information required by the board.

(b) A patron with a winning ticket shall redeem the ticket at the establishment of the licensee that booked the wager within one hundred eighty days of the date of the event.

(5) A sports wagering mechanism may be utilized by a player to make a deposit in the player's sports wagering account.

(6) Wagers placed via a sports wagering mechanism through a player's established sports wagering account shall be settled through the player's wagering account.

C. Mobile wagering. (1) For purposes of mobile wagering, each licensee may contract with no more than two sports wagering platform providers who may each provide individually branded websites each of which may have an accompanying mobile application bearing the same brand as the website. The website and mobile application shall be offered only under the same brand as the licensee, or the sports wagering platform provider, or both. The website and mobile application shall be, at the discretion of the licensee, in addition to any other websites or mobile applications operated by the platform provider and offering other types of mobile gaming.

(2) Wagering through a website or mobile application shall be subject to the following requirements:

(a)(i) A patron shall establish a wagering account in person or remotely with the operator before the operator may accept any sports wager through a website or mobile application from the patron, and an initial verification of the account shall be completed by the operator either in person or remotely. An account may be established with a line of credit or as an advance deposit wagering account.

(ii) No operator shall accept a sports wager through a website or mobile application from the public or any person who does not have an established account with the operator.

(b) No wagers shall be placed when the player is physically located out of state or in a parish that has not approved a proposition authorizing sports wagering. An operator shall maintain geofencing and geolocation services and shall bear all costs and responsibilities associated with the services as required by the board.

§610. Payment of winnings; collection and use of funds

A.(1) Winning wagers that were placed in person or via a sports wagering mechanism with cash and are evidenced by a ticket receipt shall be redeemed by a player within one hundred eighty days after the date of the event. An operator shall pay tickets upon presentation after performing validation procedures unless otherwise allowed pursuant to the rules and regulations of the board.

(2) The failure to present a winning ticket within the prescribed time shall constitute a waiver of the right to the payment, and the holder of the ticket shall thereafter have no right to enforce payment of the ticket.

(3)(a) An operator's obligation to pay a winning ticket shall expire one hundred eighty days after the date of the sports event if not presented for payment.

(b) The funds held by any operator for payment of outstanding tickets shall be retained by the operator for that purpose until the expiration of one hundred eighty days after the date of the sports event.

(c) After such time, the operator shall each day accumulate the amount equal to the sum of any unclaimed winnings, less the amount of state tax paid by the licensee on the unclaimed monies that expire that day. On or before the fifteenth day of the first month following the end of a calendar-year quarter, the licensee shall remit to the state treasurer for deposit into the Crime Victims Reparations Fund as provided for in R.S. 46:1816 an amount equal to the accumulated total for the previous calendar-year quarter. The funds shall be used exclusively to pay the expenses associated with health care services of victims of sexually oriented criminal offenses, including forensic medical examinations as defined in R.S. 15:622.

B. Winning wagers placed using a sports wagering account shall be credited by the operator to the patron's account within one day after the date of the event unless otherwise allowed pursuant to the rules and regulations of the board.

§611. Layoff bets

An operator may seek to reduce its risk exposure on a sports event by placing a wager with another book. An operator may accept wagers placed by other operators. An operator may place wagers only with other operators. The operator that places a wager shall inform the book accepting the wager that the wager is being placed by a book and shall disclose the book's identity.

\* \* \*

§627. Promotional play

A. Eligible promotional play shall be equal to the amount of dollars directly attributable to promotional play wagers related to sports wagering and actually redeemed by players and patrons. Eligible promotional play shall not exceed an amount of five million dollars per calendar year. The maximum amount of promotional play provided by this Subsection shall apply per licensee.

B. Notwithstanding the provisions provided by Subsection A of this Section in the event a licensee pools its wagers with other Louisiana sports wagering licensees, the maximum amount of eligible promotional play shall apply per pool, and the amount of eligible promotional play per participating licensee shall be allocated in accordance with an agreement among licensees participating in the pool. Pooling and the corresponding agreement among the licensees shall be subject to the approval of the board.

C.(1) In no event shall a pool stack eligible promotional play of participating licensees to exceed the maximum amount provided by Subsection A of this Section.

(2) In no event shall a licensee claim eligible promotional play from more than one sports wagering platform in a calendar year.

Section 2. R.S. 13:4721 is hereby amended and reenacted to read as follows: §4721. Gambling houses; definition; declared public nuisances



~~A. For the purposes of this Sub-part, Subpart, or for the purposes of any action or prosecution hereunder in this Section, a gambling house is either:~~

~~(1) any Any place whatever whatsoever where any game of chance of any kind or character is played for money, for wagers, or for tokens, and where the conduct of such place operates, directly or indirectly, to the profit of one or more individuals and not exclusively to the direct profit of the actual participants in such game; and,~~

~~(2) any Any place whatsoever where races, athletic contests, and sports, and games are not actually held and where opportunity is afforded for wagering upon races, athletic contests, sports, and games of chance.~~

~~B. All gambling houses as herein defined in this Section are declared to be public nuisances, and the owner owners thereof, and the agent agents for such owner, owners, or the lessee, sublessee lessees, sublessees, or other occupants thereof are declared to be guilty of maintaining a public nuisance.~~

~~C. The provisions of this Subpart shall not apply to any place where sports wagering is being conducted in accordance with Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950.~~

Section 3. R.S. 14:90.5(A), (B), and (C) are hereby amended and reenacted and R.S. 14:90(E) and 90.3(K) are hereby enacted to read as follows:

§90. Gambling

\* \* \*

E. Sports wagering shall not be considered gambling for purposes of this Section so long as the wagering is conducted in compliance with Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950.

\* \* \*

§90.3. Gambling by computer

\* \* \*

K. Sports wagering shall not be considered gambling by computer for purposes of this Section so long as the wagering is conducted in compliance with Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950.

\* \* \*

§90.5. Unlawful playing of gaming devices by persons under the age of twenty-one; underage persons, penalty

A. It is unlawful for any person under twenty-one years of age to play casino games, gaming devices, or slot machines, or to place a wager on a sports event.

B. No person under the age of twenty-one, except an emergency responder acting in his official capacity, shall enter, or be permitted to enter, the designated gaming area of a riverboat, the designated gaming area of the official gaming establishment, or the designated slot-machine gaming area of a pari-mutuel wagering facility which offers live horse racing licensed for operation and regulated under the applicable provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

C.(1) For purposes of this Section, “casino games, gaming devices, or slot machines” means a game or device, as defined in R.S. 27:44(10) ~~or (12), 205(12) or (13), or 353(14)~~ operated on a riverboat, at the official gaming establishment, or at a pari-mutuel wagering facility which offers live horse racing which is licensed for operation and regulated under the provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

(2) For purposes of this Section, “place a wager on a sports event” shall apply to wagers attempted to be or actually placed in person, via a self-service sports wagering mechanism, or through a website or mobile application as those terms are defined in R.S. 27:602 and the operation of which is regulated under the provisions of Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950.

\* \* \*

Section 4. R.S. 46:1816(B)(8) is hereby amended and reenacted to read as follows:

§1816. Crime Victims Reparations Fund; creation; sources and use of funds

\* \* \*

B. The fund shall be composed of:

\* \* \*

(8) Monies deposited by the state treasurer from the collection of unclaimed prize money as provided for in R.S. 4:176 and R.S. 27:94, 252, and 394, and 609, which shall be used exclusively to pay the expenses associated with health care services of victims of ~~sexually-oriented~~ sexually oriented criminal offenses, including forensic medical examinations as defined in R.S. 15:622.

\* \* \*

Section 5. R.S. 27:24(A)(5)(f) is hereby repealed in its entirety.

Section 6. The Louisiana State Law Institute is directed to alphabetize and renumber the terms defined in R.S. 27:205, as amended by the provisions of this Act.

Section 7. This Act shall take effect and become operative on July 1, 2021; however, no license or permit shall be issued by the Louisiana Gaming Control Board relative to sports wagering activities and operations until state laws are enacted regarding the taxation of net gaming proceeds generated through the operation of a sports book.

Section 8. The provisions of this Act enacting R.S. 27:627 shall supersede the provisions of the Act which originated as House Bill No. 697 of the 2021 Regular Session enacting R.S. 27:627.

Approved by the Governor, June 21, 2021.

A true copy:

R. Kyle Ardoin

Secretary of State

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ACT No. 441

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BY SENATORS BARROW, ABRAHAM, ALLAIN, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FIELDS, FOIL, HEWITT, JACKSON, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH, TALBOT, WARD AND WOMACK AND REPRESENTATIVES BRYANT, CARPENTER, CARRIER, ROBBY CARTER, WILFORD CARTER, COX, DUPLESSIS, EDMONSTON, FONTENOT, FREEMAN, FREIBERG, GAROFALO, HILFERTY, HUGHES, JAMES, JEFFERSON, JENKINS, TRAVIS JOHNSON, LANDRY, LYONS, MARCELLE, MOORE, NEWELL, PIERRE, RISER, SCHLEGEL, SELDERS, THOMPSON, WHITE AND WILLARD

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 39:100.101(D) and enact R.S. 17:3399.13(4) and 3399.18, relative to power-based violence on college and university campuses; to create the Power-Based Violence Review Panel; to provide for membership, duties, and functions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3399.13(4) and 3399.18 are hereby enacted to read as follows:

§3399.13. Definitions

For the purposes of this Part, the following terms shall have the following meanings unless the context clearly indicates otherwise:

\* \* \*

(4) “Power-based violence” means any form of interpersonal violence intended to control or intimidate another person through the assertion of power over them and shall include, at a minimum, the following:

(a) Dating violence (R.S. 46:2151(C)).

(b) Domestic abuse and family violence (R.S. 46:2121.1(2) and 2132(3)). For the purposes of this Part, domestic abuse shall also include any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.

(c) Nonconsensual observation of another person’s sexuality without the other person’s consent, including voyeurism (R.S. 14:283.1), video voyeurism (R.S. 14:283), nonconsensual disclosure of a private image (R.S. 14:283.2), and peeping tom activities (R.S. 14:284).

(d) Sexual assault (R.S. 14:41, 42 through 43.5, 89, 89.1, and 106).

(e) “Sexual exploitation” which means an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse of another person’s sexuality including prostituting another person (R.S. 14:46.2 and 82 through 86).

(f) “Sexual harassment” which means unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual’s employment or education, unreasonably interferes with an individual’s work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course or academic research.

(g) Stalking (R.S. 14:40.2) and cyberstalking (R.S. 14:40.3).

(h) Unlawful communications (R.S. 14:285).

(i) Unwelcome sexual or sex- or gender-based conduct that is objectively offensive, has a discriminatory intent, and lacks a bona fide academic purpose.

\* \* \*

§3399.18. Louisiana Power-Based Violence Review Panel

A. The Louisiana Power-Based Violence Review Panel is hereby created under the jurisdiction of the Board of Regents.

B. The panel shall be composed of the following members:

(1) The president of the Louisiana Senate or his designee.

(2) The speaker of the Louisiana House of Representatives or his designee.

(3) The chair of the Louisiana Senate Select Committee on Women and Children or his designee.

(4) The chair of the Louisiana House Select Committee on Women and Children or his designee.

(5) The attorney general or his designee.

(6) The commissioner of higher education or his designee.

(7) The president of each public postsecondary education management system or his designee.

(8) A student representative from each of the postsecondary management boards appointed by the respective board’s president.

(9) The superintendent of the Louisiana State Police or his designee.

(10) The president of the Louisiana Association of Chiefs of Police or his designee.

(11) A member of the Domestic Violence Prevention Commission appointed by the secretary of the Department of Children and Family Services.

(12) A licensed social worker with experience related to power-based violence appointed by the president of the Board of Directors of the Louisiana Chapter, National Association of Social Workers.

(13) A licensed psychologist with experience related to power-based violence, appointed by the chair of the Louisiana State Board of Examiners of Psychologists.

(14) The executive director of the Louisiana Foundation Against Sexual

Assault or his designee.  
(15) The president of Sexual Trauma Awareness and Response or his designee.  
(16) The governor or his designee.  
(17) A Title IX coordinator representing a public postsecondary education system. The Title IX coordinator shall serve for one year, and the membership shall rotate between the higher education systems in the following order: the Louisiana State University System, the Southern University System, the University of Louisiana System, and the Louisiana Community and Technical College System. Each coordinator shall be appointed by his system president.  
C. Members shall serve without compensation, except for per diem or reimbursement of expenses to which they may be entitled as members of the constituent organizations.  
D. A majority of the total membership shall constitute a quorum of the panel, and any official action taken by the panel shall require an affirmative vote of the majority of the quorum present and voting.  
E. The commissioner of higher education shall call an organizational meeting of the panel by August 15, 2021. The panel shall elect a chairman, and any other officers deemed necessary, from among the membership.  
F. The panel shall meet at least two times per year up to a maximum of four times per year, and may meet at other times upon the call of the chair or as provided by panel rules.  
G. The panel may adopt rules of procedures for its operation.  
H. The Board of Regents shall provide staff support to the panel.  
I. The panel shall:

(1) Evaluate policies and practices of institutions of public postsecondary education, public postsecondary education management boards, and the Board of Regents regarding reporting, investigating, and adjudicating power-based violence by and against students and recommend revisions to improve such policies and practices.  
(2) Advise and assist institutions of public postsecondary education, public postsecondary education management boards, and the Board of Regents in coordinating procedures to provide power-based violence prevention programs.  
(3) Serve as an advisory agency to the legislature, the governor, the Board of Regents, and the public postsecondary education management boards regarding power-based violence.  
J. To the extent permitted by and in accordance with the Public Records Law, the Board of Regents, each public postsecondary education management board, each public postsecondary education institution, and each law enforcement or criminal justice agency located within a parish with a public postsecondary education institution campus shall make available all facts, records, information, and data required by the panel and in all ways cooperate with the panel in carrying out the functions and duties imposed by this Part.

Section 2. R.S. 39:100.101(D) is hereby amended and reenacted to read as follows:  
§100.101. Power-Based Fund; purpose

D. Monies in the fund shall be appropriated and used for the establishment of Title IX offices at every public postsecondary institution in the state. The Board of Regents shall develop a plan and promulgate rules for the distribution of funds.

Section 3. The provisions of Section 2 of this Act propose to amend and reenact R.S. 39:100.101(D) as enacted by the Act which originated as House Bill No. 515 of this 2021 Regular Session of the Legislature. If the Louisiana State Law Institute rennumbers R.S. 39:100.101 when incorporating it into the Louisiana Revised Statutes of 1950, it shall make the change proposed by Section 2 of this Act to the corresponding provision of the statutes.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 22, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 442**

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HOUSE BILL NO. 44  
BY REPRESENTATIVE DEVILLIER  
AN ACT

To enact R.S. 32:388(B)(4)(b)(xv), relative to construction aggregates; to expand the definition of “construction aggregates” to include dirt; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 32:388(B)(4)(b)(xv) is hereby enacted to read as follows:  
§388. Penalties; payments

B.  
(4)

(b) When used in this Paragraph, “construction aggregates” means any of the following:

\* \* \*  
\* \* \*  
(xv) Dirt.  
Approved by the Governor, June 22, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 443**  
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HOUSE BILL NO. 93  
BY REPRESENTATIVE MIGUEZ  
AN ACT

To enact R.S. 2:135.1(A)(6), relative to the lease of certain airport facilities governed by the Iberia Parish Airport Authority; to exempt leases governed by the Iberia Parish Airport Authority from the provisions of public lease laws; to require the Iberia Parish Airport Authority to meet certain requirements relative to price and appraisals; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 2:135.1(A)(6) is hereby enacted to read as follows:  
§135.1. Authority to equip, improve, establish fees and charges, and lease airport facilities

A. Airport districts, airport authorities, and other political subdivisions, including the New Orleans Aviation Board, which establish or operate airports or landing fields or which acquire or set apart immovable property for such purpose may:

\* \* \*  
(6) Notwithstanding any provision of law to the contrary, including in Paragraph (3) of this Subsection, the Iberia Parish Airport Authority, which operates LeMaire Airport in Jeanerette, Louisiana, is authorized to lease to any person, as defined in this Title, land, areas for operations space and improvements, including industrial development, and equipment on such airport or landing field. However, the Iberia Parish Airport Authority, except as provided in this Paragraph, shall charge a fair and reasonable price for airport properties as determined by appraisals and fair market value comparisons in accordance with Federal Aviation Administration guidelines. The appraisals and fair market value comparisons required by this Paragraph shall be conducted and paid for by the Iberia Parish Airport Authority.

\* \* \*  
Approved by the Governor, June 22, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 444**  
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HOUSE BILL NO. 228  
BY REPRESENTATIVE CARRIER  
AN ACT

To enact Part XI of Chapter 5-B of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1123.1 through 1123.4, relative to restroom access for individuals with certain conditions; to provide definitions; to provide for access to a retail establishment’s employee restroom; to provide for exceptions; to provide for liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. Part XI of Chapter 5-B of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1123.1 through 1123.4, is hereby enacted to read as follows:

**PART XI. RESTROOM ACCESS ACT**  
**§1123.1. Short title**  
This Part shall be known and may be cited as the “Restroom Access Act”.  
**§1123.2. Definitions**  
As used in this Part, the following terms have the following meanings ascribed to them unless the context clearly indicates otherwise:  
(1) “Eligible medical condition” means Crohn’s disease, ulcerative colitis, inflammatory bowel disease, irritable bowel disease, or any other medical condition that requires the use of an ostomy device or immediate access to a restroom.  
(2) “Ostomy device” means a medical device that creates an artificial passage for elimination of body waste.  
(3) “Retail establishment” means any business whether a sole proprietorship, corporation, partnership, or otherwise that holds or stores articles, products, commodities, items, or components for sale to the public or to other retail establishments.  
**§1123.3. Restroom access**  
A. Any retail establishment that has a restroom for employee use, which does not permit individuals to access the employee restroom, shall allow an individual to use the restroom during normal business hours if the restroom is maintained in a reasonably safe manner and all of the following conditions are met:



(1) The individual requesting access to the employee restroom presents a copy of a written statement, signed, and issued by a healthcare provider on the healthcare provider's letterhead or of a facility with which the healthcare provider is associated, stating that the individual suffers from an eligible medical condition as provided in R.S. 40:1123.2 or utilizes an ostomy device.

(2) A public restroom is not immediately accessible to the individual.  
(3) The employee restroom is located in an area of the retail establishment where access would not create an obvious risk to the health or safety of the individual or create an obvious security risk to the retail establishment.

B. This Section shall not apply to any retail establishment that meets either of the following criteria:

(1) It sells prescription drugs, if the employee restroom is located in an area where the individual may gain access to any prescription drugs.

(2) It maintains records or information that is subject to the Health Insurance Portability and Accountability Act of 1996, if the employee restroom is located in an area where the records or information may be accessed.

§1123.4. Liability

A. A retail establishment or an employee of a retail establishment shall not be liable for any act or omission when an individual is allowed access to an employee restroom pursuant to the provisions of this Part, if such act or omission meets all of the following requirements:

(1) It does not constitute gross, willful, or wanton negligence on the part of the retail establishment or an employee of the retail establishment.(2) It occurs in an area of the retail establishment that is not otherwise accessible to the public.

(3) It results in injury or death of the individual other than an employee accompanying the individual to the employee restroom.

B. No retail establishment shall be required to make any physical change to an employee restroom to effectuate the purposes of this Part.

Approved by the Governor, June 22, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 445**

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HOUSE BILL NO. 337  
BY REPRESENTATIVE CREWS  
AN ACT

To amend and reenact R.S. 2:135.1(B)(2)(introductory paragraph) and to enact R.S. 2:135.1(B)(2)(c), relative to airport facility leases operated and maintained by the Shreveport Downtown Airport; to provide for the removal of lease requirements pertaining to the addition or construction of certain improvements for non-air carrier airports and air carrier airports; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 2:135.1(B)(2)(introductory paragraph) is hereby amended and reenacted and R.S. 2:135.1(B)(2)(c) is hereby enacted to read as follows:

§135.1. Authority to equip, improve, establish fees and charges, and lease airport facilities

\* \* \*

B.

\* \* \*

(2) All leases executed under the provisions of this Section shall provide for consideration to be paid annually or monthly as provided for in the lease. All ~~such~~ the leases shall be for a period not exceeding ten years, except as follows:

\* \* \*

(c) The provisions of this Paragraph shall not apply to the Shreveport Downtown Airport.

\* \* \*

Section 2. This Act shall become effective on January 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2023, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 22, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 446**

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HOUSE BILL NO. 338  
BY REPRESENTATIVE MCCORMICK  
AN ACT

To enact R.S. 2:135.1(B)(2)(c), relative to the Vivian Municipal Airport; to provide for the removal of lease requirements pertaining to the addition or construction of certain improvements for non-air carrier airports and air carrier airports; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 2:135.1(B)(2)(c) is hereby enacted to read as follows:

§135.1. Authority to equip, improve, establish fees and charges, and lease airport facilities

\* \* \*

B.

\* \* \*

(2) All leases executed under the provisions of this Section shall provide for consideration to be paid annually or monthly as provided for in the lease. All such leases shall be for a period not exceeding ten years, except as follows:

\* \* \*

(c) The provisions of this Paragraph shall not apply to the Vivian Municipal Airport.

\* \* \*

Approved by the Governor, June 22, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 447**

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HOUSE BILL NO. 394  
BY REPRESENTATIVES RISER AND THOMPSON AND SENATORS  
BARROW, BERNARD, BOUDREAUX, BOUIE, FESI, FIELDS, FOIL,  
HARRIS, HEWITT, JACKSON, JOHNS, LUNEAU, MCMATH, FRED MILLS,  
MIZELL, PETERSON, POPE, PRICE, SMITH, AND WARD  
AN ACT

To enact R.S. 17:3399.18, relative to campus safety and accountability; to require postsecondary education institutions to post security reports on their websites; to provide relative to the information contained in the security reports; to provide for compliance monitoring relative to the security reports by the Board of Regents; to provide for penalties and enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3399.18 is hereby enacted to read as follows:

§3399.18. Disclosure of campus security policies and campus crime statistics

A.(1) Each campus of each public postsecondary education institution shall publish on its website a semiannual security report that contains updated campus security policies and campus crime statistics. The reports shall be updated and posted by April tenth and October tenth of each academic year. The information in the report shall include, at a minimum, all of the information relative to such policies and statistics specified in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092, referred to in this Section as the Clery Act.

(2) The report shall be posted in a prominent location that is readily accessible from the main landing page of each campus's website. If an individual campus does not have its own website, it shall be posted on the main website of the institution with the campus clearly indicated.

B.(1) The Board of Regents shall monitor websites for compliance with this Section. The board shall notify the House Committee on Education, the Senate Committee on Education, and the State Bond Commission upon an institution's failure to comply with this Section. For a period of two years following such a notification, the State Bond Commission shall not authorize the institution to incur any debt that is subject to the commission's approval.

(2) Any person may commence a suit in the district court for the parish in which an action in violation of this Section occurred for the issuance of a writ of mandamus or injunctive or declaratory relief to require compliance with the provisions of this Section, together with reasonable attorney fees and costs.

Approved by the Governor, June 22, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 448**

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HOUSE BILL NO. 639  
BY REPRESENTATIVES ZERINGUE AND SCHEXNAYDER  
AN ACT

To amend and reenact R.S. 39:100.26(B) and (D) and to enact Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.122, and R.S. 39:134.1, relative to funding for infrastructure investment and construction; to provide relative to the Louisiana Superdome Fund; to provide relative to federal funds received from the American Jobs Plan Act; to provide for the transfer of monies into the Capital Outlay Savings Fund; to create the Hurricane and Storm Damage Risk Reduction System Repayment Fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.26(B) and (D) are hereby amended and reenacted and Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122, and R.S. 39:134.1 are hereby enacted to read as follows:

§100.26. Louisiana Superdome Fund; purpose

\* \* \*

B. Notwithstanding any provision of law to the contrary, the proceeds received by the state ~~and the Louisiana Stadium and Exposition District~~ from the final disposition of the following pending matters: Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No. 597,371; Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket 622,075; Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of Louisiana, BTA Docket 9562D; JCC Fulton Development, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No. 597,372; JCC Fulton Development, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No. 622,076; JCC Fulton Development, LLC v. Secretary, Department of Revenue, State of Louisiana, BTA Docket No. 9562D; and Secretary, Department of Revenue, State of Louisiana v. Jazz Casino Company, LLC and JCC Fulton Development, LLC, 19th JDC, Docket No. 670,597 (hereinafter the “Jazz Casino Litigation”), shall be deposited into the fund. No proceeds shall be deposited into the fund resulting from the Jazz Casino Litigation that are attributable to outstanding debt secured by and payable from such proceeds, court costs, or attorney’s fees.

\* \* \*

D. Monies in the fund ~~shall may~~ be used ~~exclusively~~ to partially defray the cost of upgrades to certain state facilities or for operational costs by the Louisiana Stadium and Exposition District.

\* \* \*

SUBPART Q-1. HURRICANE AND STORM DAMAGE RISK REDUCTION SYSTEM REPAYMENT FUND

§100.122. Hurricane and Storm Damage Risk Reduction System Repayment Fund; purpose

A. There is hereby created in the state treasury, as a special fund, the “Hurricane and Storm Damage Risk Reduction System Repayment Fund”, hereinafter referred to as the “fund”.

B. Between July 1, 2021, and June 30, 2022, and after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, the treasurer is hereby authorized and directed to deposit thirty-eight percent of any increase of State General Fund revenue recognized by the Revenue Estimating Conference for Fiscal Year 2021-2022 above the official state general fund forecast adopted on May 18, 2021, into the fund.

C. Between July 1, 2022, and June 30, 2023, and after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, state taxes levied on the sale at retail, use, lease, rental, consumption, distribution, and storage for use or consumption of each item or article of tangible personal property pursuant to R.S. 47:302(A) and (B), 321(A) and (B), 321.1(A) and (B), and 331(A) and (B), including remote sales, that are collected in the parishes of St. Charles, Jefferson, Plaquemines, St. Bernard, and Orleans shall be deposited into the fund.

D. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

E. The total amount of monies deposited into the fund pursuant to Subsections B and C of this Section shall not exceed four hundred million dollars.

F. Monies in the fund shall be used exclusively to make payments to the United States Army Corp of Engineers for costs associated with the Hurricane and Storm Damage Risk Reduction System or to make debt service payments in the event the state issues general obligation bonds to fund the payments to the United States Army Corp of Engineers.

\* \* \*

§134.1. American Jobs Plan Act

No federal funds received by the state for infrastructure projects pursuant to the American Jobs Plan Act shall be expended or encumbered prior to approval by the Joint Legislative Committee on the Budget of a proposal for spending the funds submitted by the division of administration. The proposal shall include the amount of funding for specific transportation, highway, construction, or other infrastructure projects.

Section 2. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer \$1,650,000 from the State General Fund (Direct) in state Fiscal Year 2020-2021 into the Capital Outlay Savings Fund.

Section 3. The provisions of Section 1 of this Act propose to amend and reenact R.S. 39:100.26(B) and (D) as enacted by Act 114 of this 2021 Regular Session of the Legislature. If the Louisiana State Law Institute renumbers R.S. 39:100.26 when incorporating it into the Louisiana Revised Statutes of 1950, it shall make the change proposed by Section 1 of this Act to the corresponding provision of the statutes.

Section 4. The provisions of this Act shall become effective on June 30, 2021. Approved by the Governor, June 22, 2021.

A true copy:  
R. Kyle Ardoin  
Secretary of State

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**ACT No. 449**

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HOUSE BILL NO. 7

BY REPRESENTATIVES FREEMAN, BRASS, CARPENTER, GARY CARTER, CORMIER, COX, DUPLESSIS, FREIBERG, GLOVER, GREEN, JEFFERSON, JENKINS, JONES, LANDRY, LARVADAIN, LYONS, MARCELLE, MOORE, PIERRE, SELDERS, WHITE, AND WILLARD AND SENATORS BARROW, BOUDREAUX, BOUIE, FIELDS, HARRIS, JACKSON, LUNEAU, MIZELL, PETERSON, AND SMITH  
AN ACT

To enact R.S. 47:302(BB)(114), 305.75, 321(P)(115), 321.1(I)(115) and 331(V)(115) and to repeal R.S. 47:337.10.2(C), relative to sales and use tax exemptions; to provide for a state sales and use tax exemption for certain purchases of feminine hygiene products; to provide for a state sales and use tax exemption for certain purchases of diapers; to provide for definitions; to provide for the effectiveness of the optional local sales and use tax exemption for certain purchases of feminine hygiene products and diapers; to provide for certain requirements and limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302(BB)(114), 305.75, 321(P)(115), 321.1(I)(115), and 331(V)(115) are hereby enacted to read as follows:

§302. Imposition of tax

\* \* \*

BB. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

\* \* \*

(114) Purchases of feminine hygiene products, diapers, or both for personal use as provided in R.S. 47:305.75.

\* \* \*

§305.75. Exemptions; feminine hygiene products and diapers

A. The sales and use tax imposed by the state of Louisiana or any political subdivision whose boundaries are coterminous with those of the state shall not apply to the purchase of feminine hygiene products, diapers, or both for individual personal use.

B. For the purposes of this Section:

(1) “Diaper” means any absorbent diaper or undergarment used for incontinence in adults and any absorbent diaper or undergarment designed to be worn by a child who cannot yet control bladder or bowel movements.

(2) “Feminine hygiene product” means tampons, menstrual pads, sanitary napkins, panty liners, menstrual sponges, and menstrual cups, including disposable and washable versions of these items.

\* \* \*

§321. Imposition of tax

\* \* \*

P. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

\* \* \*

(115) Purchases of feminine hygiene products, diapers, or both for personal use as provided in R.S. 47:305.75.

\* \* \*

§321.1. Imposition of tax

\* \* \*

I. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

\* \* \*

(115) Purchases of feminine hygiene products, diapers, or both for personal use as provided in R.S. 47:305.75.

\* \* \*

§331. Imposition of tax

\* \* \*

V. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

\* \* \*

(115) Purchases of feminine hygiene products, diapers, or both for personal use as provided in R.S. 47:305.75.

\* \* \*

Section 2. R.S. 47:337.10.2(C) is hereby repealed in its entirety.

Section 3. The provisions of this Act shall be applicable to taxable periods beginning on or after July 1, 2022.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and

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subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 450**

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**HOUSE BILL NO. 172**

BY REPRESENTATIVES BUTLER, ADAMS, AMEDEE, BROWN, CARPENTER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS, ECHOLS, EDMONSTON, EMERSON, FIRMENT, FREEMAN, FREIBERG, GADBERRY, GREEN, HILFERTY, HORTON, HUGHES, ILLG, MIKE JOHNSON, KERNER, LACOMBE, LANDRY, LARVADAIN, LYONS, MCMAHEN, DUSTIN MILLER, MOORE, NEWELL, ROBERT OWEN, PIERRE, PRESSLY, SCHLEGEL, SELDERS, STAGNI, STEFANSKI, THOMPSON, TURNER, VILLIO, WHITE, AND ZERINGUE AND  
SENATOR FOIL

**AN ACT**

To enact Part II-B of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1250.31 and 1250.32, relative to the medical assistance program of this state known as Medicaid; to provide relative to administration of the Medicaid program by the Louisiana Department of Health; to require Medicaid coverage of dental services for certain persons with developmental or intellectual disabilities; to provide for eligibility for such coverage; to require the provision of such coverage by a certain date; to require administrative rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-B of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1250.31 and 1250.32, is hereby enacted to read as follows:

**PART II-B. DENTAL COVERAGE FOR PERSONS WITH DEVELOPMENTAL OR INTELLECTUAL DISABILITIES**

**§1250.31. Dental care for certain adults with developmental or intellectual disabilities; Medicaid coverage required**

**A.(1) The Louisiana Department of Health shall ensure that comprehensive Medicaid coverage for dental care is provided to each person of age twenty-one or older who is enrolled in any Medicaid waiver program for persons with developmental or intellectual disabilities.**

**(2) For purposes of this Section, “comprehensive Medicaid coverage for dental care” means Medicaid coverage which reimburses for dental and oral health services including all of the following:**

- (a) Diagnostic services.**
- (b) Preventive services.**
- (c) Restorative services.**
- (d) Endodontics.**
- (e) Periodontics.**
- (f) Prosthodontics.**
- (g) Oral and maxillofacial surgery.**
- (h) Orthodontics.**
- (i) Emergency care.**

**B. The Louisiana Department of Health shall not furnish any coverage required by Subsection A of this Section until all of the following have occurred:**

**(1) The Centers for Medicare and Medicaid Services has approved the provision of such coverage.**

**(2) The legislature has appropriated the funding necessary for the provision of such coverage.**

**§1250.32. Administrative rulemaking**

**The Louisiana Department of Health shall promulgate all such rules in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Part.**

Section 2. The Louisiana Department of Health shall take all such actions as are necessary to make the coverage required by the provisions of Section 1 of this Act available to all persons eligible for such coverage on or before July 1, 2022.

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 451**

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**HOUSE BILL NO. 430**

BY REPRESENTATIVES JAMES, BRASS, BRYANT, ROBBY CARTER, DUPLESSIS, GLOVER, GREEN, HUGHES, JEFFERSON, JENKINS, JONES, JORDAN, LARVADAIN, LYONS, MARCELLE, NEWELL, PIERRE, AND SELDERS AND SENATORS BARROW, BOUDREAUX, BOUIE, FIELDS, HARRIS, JACKSON, PETERSON, PRICE, SMITH, AND TARVER  
AN ACT

To amend and reenact R.S. 40:2531(B)(4)(b)(i) and (ii) and (7) and to enact R.S. 40:2533(D), relative to time periods for officer disciplinary matters; to

provide for time limits relative to officer representation; to provide for time limits relative to length of investigation of an officer; to provide for time limits relative to officer personnel files; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2531(B)(4)(b)(i) and (ii) and (7) are hereby amended and reenacted and R.S. 40:2533(D) is hereby enacted to read as follows:

§2531. Applicability; minimum standards during investigation; penalties for failure to comply

\* \* \*

B. Whenever a police employee or law enforcement officer is under investigation, the following minimum standards shall apply:

\* \* \*

(4)

\* \* \*

(b)(i) Except as otherwise provided in this Subparagraph, the police employee or law enforcement officer shall be granted up to ~~thirty~~ fourteen days to secure such representation, during which time all questioning shall be suspended.

(ii) If a police employee or law enforcement officer is involved in an officer-involved incident, the police employee or law enforcement officer shall be granted up to fourteen days to secure representation, during which time all questioning shall be suspended. However, if the police employee or law enforcement officer is confined to a medical facility due to injury or illness related to the officer-involved incident, ~~or if two or more police employees or law enforcement officers are involved in the officer-involved incident, or otherwise incapacitated,~~ the police ~~employees~~ employee or law enforcement ~~officers~~ officer shall be granted up to thirty days to secure representation.

\* \* \*

(7) When a formal, written complaint is made against any police employee or law enforcement officer, the superintendent of state police or the chief of police or his authorized representative shall initiate an investigation within fourteen days of the date the complaint is made. Except as otherwise provided in this Paragraph, each investigation of a police employee or law enforcement officer which is conducted under the provisions of this Chapter shall be completed within ~~sixty~~ seventy-five days, inclusive of Saturdays, Sundays, and legal holidays. However, in each municipality which is subject to a Municipal Fire and Police Civil Service law, the municipal police department may petition the Municipal Fire and Police Civil Service Board for an extension of the time within which to complete the investigation. The board shall set the matter for hearing and shall provide notice of the hearing to the police employee or law enforcement officer who is under investigation. The police employee or law enforcement officer who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the board finds that the municipal police department has shown good cause for the granting of an extension of time within which to complete the investigation, the board shall grant an extension of up to sixty days. Nothing contained in this Paragraph shall be construed to prohibit the police employee or law enforcement officer under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional sixty days. The investigation shall be considered complete upon notice to the police employee or law enforcement officer under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint. The notice may be given in writing or electronically. The notice is considered received by the police employee or law enforcement officer under investigation on the date sent, provided it is sent to the department email address in the personnel file of the police employee or law enforcement officer. The notice shall be considered received by the police employee or law enforcement officer under investigation on the date received, provided it is sent to the home address in the personnel file of the police employee or the law enforcement officer. Nothing in this Paragraph shall limit any investigation of alleged criminal activity.

\* \* \*

§2533. Personnel files

\* \* \*

D. Sustained complaints against the law enforcement officer shall remain in the officer's personnel file for a period of at least ten years, but only after the officer has exhausted all administrative appeals to which he is entitled.

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 452**

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**HOUSE BILL NO. 446**

BY REPRESENTATIVES BUTLER, ADAMS, BROWN, GARY CARTER, ROBBY CARTER, WILFORD CARTER, COUSSAN, COX, FREIBERG, HUGHES, JEFFERSON, JENKINS, KERNER, LACOMBE, LARVADAIN, MARCELLE, MOORE, PIERRE, AND ST. BLANC AND SENATORS FOIL, HEWITT, PRICE, REESE, TARVER, AND WOMACK  
AN ACT

To enact R.S. 36:4(B)(1)(o) and Chapter 44-A of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2591 through 2599, relative to state administration; to create the office of the state Americans with Disabilities Act coordinator within the division of administration; to

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create a state ADA coordinator position and provide that the coordinator is the executive staff member of the office; to establish the functions, powers, and duties of the office; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 36:4(B)(1)(o) is hereby enacted to read as follows:  
§4. Structure of executive branch of state government

\* \* \*

B. The office of the governor shall be in the executive branch of state government.

(1) The following agencies and their powers, duties, functions, and responsibilities are hereby transferred to the office of the governor:

\* \* \*

(o) Office of the state Americans with Disabilities Act coordinator, division of administration (R.S. 46:2591 et seq.).

\* \* \*

Section 2. Chapter 44-A of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2591 through 2599, is hereby enacted to read as follows:

CHAPTER 44-A. OFFICE OF THE STATE

AMERICANS WITH DISABILITIES ACT COORDINATOR

§2591. Creation; personnel

The office of the state Americans with Disabilities Act coordinator is hereby created as a state agency within the office of the governor, division of administration. The office shall exercise the powers and duties set forth in this Chapter and otherwise provided by law. The office shall be administered by an executive director who shall have the title of, and is referred to hereafter in this Chapter as, state ADA coordinator. The state ADA coordinator shall be in the classified state civil service and shall employ staff as necessary to carry out the duties of the office.

§2592. Definitions

For purposes of this Chapter, the following terms have the meaning ascribed to them in this Section:

(1) “Americans with Disabilities Act” and “ADA” mean the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.).

(2) “Office” means the office of the state Americans with Disabilities Act coordinator within the office of the governor, division of administration.

§2593. Powers and duties

The office shall have the following functions, powers, and duties:

(1) To serve as the coordinating body for ADA compliance for all state agencies within the executive branch of state government.

(2) To assist state agencies in updating, strengthening, and enhancing the scope of self-evaluation and transition plans to ensure compliance with the ADA mandate.

(3) To provide reports and recommendations to the legislature for the adoption of legislation to facilitate compliance with the ADA.

(4) To offer subject matter expertise for all matters relating to the ADA.

(5) To conduct general and customized training on ADA topics for state agencies.

(6) To provide informal technical assistance about the ADA to the general public and collaborate with local ADA support systems.

(7) To increase public awareness of the ADA for the purpose of helping more citizens to understand the letter and the spirit of the law.

§§2594 through 2599. [Reserved.]

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 453

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HOUSE BILL NO. 678  
BY REPRESENTATIVE DUPLESSIS  
AN ACT

To amend and reenact R.S. 47:297.8(A) and to enact R.S. 47:287.750, relative to income tax credits; to provide for an income tax credit for certain businesses that hire participants in work release programs; to provide for the amount of the credit; to provide for the maximum amount of credits to be issued annually; to provide for eligibility; to authorize unclaimed portions of a credit to be carried forward; to provide for the administration of the tax credit; to provide for rulemaking authority; to extend the current amount of the federal earned income tax credit; to provide for applicability; to provide for certain limitations and requirements; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:297.8(A) is hereby amended and reenacted and R.S. 47:287.750 is hereby enacted to read as follows:

§287.750. Louisiana work opportunity tax credit

A. There is hereby authorized a non-refundable credit for businesses that hire participants in the work release programs provided for in R.S. 15:711, 1111, 1199.9, and 1199.10.

B. For the purposes of this Section the following terms shall have the following meanings:

(1) “Department” shall mean the Department of Revenue.

(2) “Eligible business” shall mean a business that is subject to Louisiana income tax and participates in any of the work release programs provided for in R.S. 15:711, 1111, 1199.9, or 1199.10.

(3) “Eligible job” shall mean the following:

(a) A new job.

(b) An existing job that has been vacant for at least one year.

(c) An existing job that is vacant because the person who previously filled the job left voluntarily or was terminated for cause.

(4) “Eligible re-entrant” shall mean an inmate or former inmate who is eligible to participate and is actively participating in a work release program provided for in R.S. 15:711, 1111, 1199.9, or 1199.10. An eligible re-entrant shall meet all of the criteria provided for in R.S. 15:1199.7.

(5) “Secretary” shall mean the secretary of the Department of Revenue.

C.(1) The amount of the credit provided for in this Section shall equal five percent of the total wages paid to an eligible re-entrant in an eligible job for twelve consecutive months following the release of the eligible re-entrant from imprisonment.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the total amount of tax credits granted to any eligible business pursuant to this Section shall not exceed two thousand five hundred dollars per eligible re-entrant.

D.(1) The credit shall be earned upon certification by the Department of Public Safety and Corrections or the applicable sheriff to the department that the eligible business employed an eligible re-entrant in an eligible job for twelve consecutive months following the release of the eligible re-entrant from imprisonment.

(2) The credit shall be earned only once for each eligible re-entrant.

E.(1) The credit shall be allowed against any Louisiana income or franchise tax due from an eligible business for the taxable period in which the credit is earned.

(2) If the tax credit authorized pursuant to this Section exceeds the tax liability of an eligible business, the business may carry any unused credit forward and apply the unused credit against subsequent tax liability for a period not to exceed five years.

F. Credits previously granted to an eligible business, but later disallowed may be recovered by the secretary pursuant to the provisions provided for in R.S. 47:1561.3.

G. A taxpayer shall not receive any other incentive for the job creation or hiring of an eligible re-entrant for which the taxpayer has received a tax credit pursuant to this Section.

H. The department may promulgate rules in accordance with the Administrative Procedure Act to establish procedures related to program eligibility and any other matter necessary to carry out this Section.

I. No credit shall be granted pursuant to this Section after June 30, 2027.

\* \* \*

§297.8. Earned income tax credit

A. (1) Except as provided in Paragraph (2) of this Subsection, there shall be a credit against the tax imposed by this Chapter for individuals in an amount equal to three and one-half percent of the federal earned income tax credit for which the individual is eligible for the taxable year under pursuant to Section 32 of the Internal Revenue Code.

(2) For tax years beginning on and or after January 1, 2019, through December 31, 2025, 2030, there shall be a credit against the tax imposed by this Chapter for individuals in an amount equal to five percent of the federal earned income tax credit for which the individual is eligible for the taxable year under Section 32 of the Internal Revenue Code.

\* \* \*

Section 2. The provisions of this Act pertaining to the Louisiana work opportunity tax credit shall be applicable to the employment of eligible re-entrants with a release date occurring on or after January 1, 2021.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 454

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HOUSE BILL NO. 680  
BY REPRESENTATIVES HUGHES, BRASS, GARY CARTER, WILFORD CARTER, CORMIER, DUPLESSIS, GAINES, GREEN, JAMES, JEFFERSON, JENKINS, JONES, JORDAN, LANDRY, LARVADAIN, LYONS, DUSTIN MILLER, MOORE, NEWELL, PHELPS, PIERRE, SELDERS, WHITE, AND WILLARD AND SENATORS BARROW, BOUDREAUX, BOUIE, FIELDS, HARRIS, PETERSON, PRICE, AND SMITH  
AN ACT

To enact R.S. 47:6028 and 6033, relative to tax credits; to provide with respect to the Louisiana Youth Jobs Tax Credit Program; to provide with respect to apprenticeship tax credits; to authorize a procedure for granting apprenticeship tax credits against income and corporation franchise tax to certain employers; to provide relative to the powers and duties of the Department of Revenue; to provide definitions; to provide an effective date;

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to provide a termination date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6028 and 6033 are hereby enacted to read as follows:

**§6028. Louisiana Youth Jobs Tax Credit Program**

A. Purpose. It is hereby found that disadvantaged youth in Louisiana are often unemployed or underemployed through no fault of their own. The purpose of this program is to help young people entering the workforce have a successful start by providing them critical workforce skills that will serve them well for their entire careers.

B. Definitions. For purposes of this Section:

(1) “Department” means the Louisiana Department of Revenue.

(2) “Eligible youth” means an individual who:

(a) Has attained the age of sixteen but not yet attained the age of twenty-four.

(b) Is unemployed prior to being hired by a business that will apply for a credit pursuant to the provisions of this Section.

(c) Will be working in a full-time or part-time position that pays wages that are equivalent to the wages paid for similar jobs, with adjustments for experience and training.

(d) Meets at least one of the following criteria:

(i) Is at least eighteen years old, is no longer in school, and does not have a high school diploma, HiSET or GED credential, or high school equivalency diploma.

(ii) Is a member of a family that is receiving assistance from the Family Independence Temporary Assistance Program.

(iii) Is a member of a family that is receiving benefits through the Supplemental Nutrition Assistance Program.

(iv) Is a member of a family that is receiving assistance from the Kinship Care Subsidy Program.

(v) Is a member of a family that is receiving assistance or benefits under the Temporary Assistance for Needy Families Program.

(vi) Has served time in jail or prison or is on probation or parole.

(vii) Is pregnant or is a parent.

(viii) Is homeless.

(ix) Is currently or was in foster care, extended foster care, or the custody of the Department of Children and Family Services.

(x) Is a veteran.

(xi) Is the child of a parent who is currently incarcerated or was released from incarceration within the past two years.

(xii) Lives in public housing or receives housing assistance such as a Section 8 voucher.

(3) “Full-time position” means a position in which a person works at least thirty-two hours per week.

(4) “Part-time position” means a position in which a person works at least twenty hours per week but less than thirty-two hours per week.

(5) “Secretary” means the secretary of the Louisiana Department of Revenue.

C. Administration of the credit. There shall be allowed a non-refundable tax credit against income and corporation franchise taxes for a business that hires one or more eligible youth on or after July 1, 2021. Notwithstanding any provision of this Section to the contrary, no credit shall be granted unless the eligible youth works at least three consecutive months in a full-time or part-time position at the business.

(1) The credit shall be equal to the following for each eligible youth hired:

(a) One thousand two hundred fifty dollars for hiring an eligible youth in a full-time position.

(b) Seven hundred fifty dollars for hiring an eligible youth in a part-time position.

(2) The hiring business shall earn a credit equal to the applicable amount provided in Paragraph (1) of this Subsection in the year in which the eligible youth completes the third consecutive month of work in either a full-time or part-time position.

(3) The hiring business shall not terminate an employee or otherwise reduce its workforce with the intention of creating a new hire eligible for this credit.

(4) The total amount of tax credits granted by the department in any calendar year shall not exceed five million dollars. The department shall by rule establish the method of allocating available tax credits to investors including but not limited to a first-come, first-served system; reservation of tax credits for a specific time; or other method that the department, in its discretion, may find beneficial to the program.

(5) Within sixty days of being hired, each eligible youth shall provide to the hiring business proof of age and of meeting one of the eligibility criteria established in Subparagraph (B)(2)(d) of this Section.

(6) The hiring business shall submit or maintain proof that each eligible youth meets eligibility criteria, as required by the secretary.

D. Application of the Credit. (1)(a) The credit shall be allowed against the income or corporation franchise tax due from a taxpayer for the taxable period in which the credit is earned. If the tax credit allowed pursuant to this Section exceeds the amount of such taxes due from a taxpayer, then the taxpayer may carry forward any unused portion as a credit against subsequent tax liability for a period not to exceed five years. However, in no event shall the amount of the tax credit applied by a taxpayer in a taxable period exceed the amount of such taxes due from the taxpayer for that taxable period.

(b) All entities taxed as corporations for Louisiana income tax purposes shall claim any credit on their corporation income and franchise tax return.

(c) Individuals, estates, and trusts shall claim their share of any credit on

their income tax return.

(d) Entities not taxed as corporations shall claim their share of any credit on the returns of the partners or members as follows:

(i) Corporate partners or members shall claim their share of any credit on their corporation income tax returns.

(ii) Individual partners or members shall claim their share of any credit on their individual income tax returns.

(iii) Partners or members that are estates or trusts shall claim their share of any credit on their fiduciary income tax returns.

E. Recovery of credits by the department. Credits previously granted to a taxpayer, but later disallowed, may be recovered by the secretary through any collection remedy authorized by R.S. 47:1561.3.

F. The secretary may promulgate rules in accordance with the Administrative Procedure Act to establish the policies and criteria regarding program eligibility and any other matter necessary to carry out the intent and purposes of this Section.

G. A taxpayer shall not receive any other incentive for the job creation or hiring of an eligible youth for which the taxpayer has received a tax credit under this Section.

H. No credit shall be earned pursuant to the provisions of this Section after December 31, 2025.

\* \* \*

**§6033. Apprenticeship tax credits**

A. Purpose. The legislature hereby determines that a major impediment to the economy of the state is the lack of an adequate number of people in the workforce with sufficient on the job training to find and keep good paying jobs already present and those that would be here if more of the workforce was of higher skill level or experience. Further, the legislature finds that a tax credit that provides an incentive for businesses to employ apprentices will provide a step toward creating and maintaining such a workforce.

B. Definitions.

(1) “Department” means the Louisiana Department of Revenue.

(2) “Eligible apprentice” means a person who:

(a) Has entered into a written apprentice agreement with an employer or an association of employers pursuant to a registered apprenticeship program as provided for in Chapter 4 of Title 23 of the Louisiana Revised Statutes of 1950 (R.S. 23:381 et seq.); or

(b) Is enrolled in a training program accredited by the National Center for Construction Education and Research which has no less than four levels of training and no less than five hundred hours of instruction.

C. Administration of the Credit. For taxable periods beginning after December 31, 2021, there shall be allowed a non-refundable tax credit against Louisiana income tax or corporation franchise tax for the employment of eligible apprentices as provided for in this Section.

(1) For each eligible apprentice employed for a minimum of two hundred fifty hours during the taxable period, an employer shall be eligible for a credit equal to one dollar and twenty-five cents per hour of employment for a maximum credit of one thousand two hundred fifty dollars per eligible apprentice.

(2) The total amount of tax credits granted by the department in any calendar year shall not exceed two million five hundred thousand dollars. The department shall establish the method of allocating available tax credits to employers including but not limited to a first-come, first-served system, reservation of tax credits for a specific time, or other method that the department, in its discretion, may find beneficial to the program by rule. If the department does not grant the entire two million five hundred thousand dollars in tax credits in any calendar year, the amount of residual unused tax credits shall carry forward to subsequent calendar years and may be granted in any year without regard to the two million five hundred thousand dollar per year limitation.

(3) The department, in consultation with the Louisiana Workforce Commission, shall establish by regulation the procedures sufficient to determine the employer's eligibility for the credit.

(4) The Louisiana Workforce Commission shall provide an annual list of businesses that participate in the apprenticeship programs administered by the agency to the department.

(5) The department shall determine the enrollment and transcript data required from the National Center for Construction Education and Research for students enrolled in one of its accredited training programs that is sufficient for the department to determine the employer's eligibility for the credit authorized by this Section. However, in order for an employer to be eligible for a credit, a student enrolled in a training program accredited by the National Center for Construction Education and Research must have successfully completed no less than two levels of training and no less than two hundred fifty hours of instruction.

D. Application of the Credit.

(1) The credit shall be allowed against the income or franchise tax due from a taxpayer for the taxable period in which the credit is earned. If the tax credit allowed pursuant to this Section exceeds the amount of such taxes due from a taxpayer, then the taxpayer as a credit may carry any unused credit forward to be applied against subsequent tax liability for a period not to exceed five years. However, in no event shall the amount of the tax credit applied by a taxpayer in a taxable period exceed the amount of such taxes due from the taxpayer for that taxable period.

(2) All entities taxed as corporations for Louisiana income tax purposes shall claim any credit on their corporation income and franchise tax return.

(3) Individuals, estates, and trusts shall claim any credit on their income tax return.

(4) Entities not taxed as corporations shall claim their share of any credit on the returns of the partners or members as follows:

(a) Corporate partners or members shall claim their share of any credit on their corporation income tax returns.

(b) Individual partners or members shall claim their share of any credit on their individual income tax returns.

(c) Partners or members that are estates or trusts shall claim their share of any credit on their fiduciary income tax returns.

E. Recovery of credits by Department of Revenue. Credits previously granted to a taxpayer, but later disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561.3.

F. The department may promulgate rules in accordance with the Administrative Procedure Act to establish the policies and criteria regarding program eligibility and any other matter necessary to carry out the intent and purposes of this Section.

G. No credit shall be granted for the employment of eligible apprentices before January 1, 2022, or after December 31, 2028.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 455**

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**HOUSE BILL NO. 705**

(Substitute for House Bill No. 151 by Representative Riser)  
BY REPRESENTATIVE RISER AND SENATORS ALLAIN, BARROW,  
BOUDREAUX, BOUIE, CONNICK, FIELDS, HEWITT, JACKSON,  
LUNEAU, PRICE, SMITH, TARVER, AND WARD  
AN ACT

To amend and reenact R.S. 23:1711(G)(1) and to enact R.S. 23:1711.1, relative to unemployment compensation; to provide for the classification of employees; to increase the administrative penalties for the misclassification of employees; to provide relative to the failure to pay contributions; to provide criteria for classifying employees as independent contractors; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1711(G)(1) is hereby amended and reenacted and R.S. 23:1711.1 is hereby enacted to read as follows:

§1711. False statements or representations; failure to file reports or maintain records; duties of officers and agents; presumptive proof; penalties

\* \* \*

G. Misclassification of employees as independent contractors.

~~(1)(a) Written warning. If the administrator determines, after investigation, that an employer, or any officer, agent, superintendent, foreman, or employee of the employer, failed to properly classify an individual as an employee in accordance with this Chapter, and failed to pay contributions required by this Chapter, but the failure was not knowing or willful, the employer shall be issued a written warning as evidence that the employer has been cited for a first offense of misclassification. Such warning shall constitute a determination that any workers identified therein are employees, and all resulting contributions, interest and penalties shall be due, and shall be appealable as provided in this Section. However, no administrative penalties shall be due.~~

~~(b) Administrative penalties. If the administrator determines, after investigation, that an employer, or any officer, agent, superintendent, foreman, or employee of the employer, after June 30, 2013, and subsequent to the issuance of a written warning, failed to properly classify an individual as an employee and failed to pay contributions in accordance with this Chapter, then, in addition to any contributions, interest, and penalties otherwise due, the administrator may assess an administrative penalty of not more than two hundred fifty five hundred dollars per each such individual. If the employer becomes compliant within sixty days of the citation, the penalty shall be waived for the first offense.~~

~~(b) After the first offense, the administrator shall assess an administrative penalty of one thousand dollars per individual misclassified.~~

~~(c) Thereafter, any such failure by an employer to properly classify an individual as an employee and pay contributions due shall be subject to an administrative penalty of not more than five hundred two thousand five hundred dollars per each such individual. In determining the amount of the administrative penalty imposed, the administrator shall consider factors including previous violations by the employer, the seriousness of the violation, the good faith of the employer, and the size of the employer's business.~~

~~(c) If, after an employer has been issued a written warning and is subsequently found, on two or more separate occasions, to have failed to properly classify an individual as an employee, the employer may also be~~

~~subject to an additional fine of not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than thirty days nor more than ninety days, or both. For the purpose of this Subsection, each employee so misclassified shall constitute a separate offense.~~

~~(d) No such determination shall be final or effective, and no resulting administrative penalty shall be assessed, unless the administrator first provides the employer with written notification by certified mail of the determination, including the amount of the proposed contributions, interest, and penalties determined to be due and of the opportunity to request a fair hearing, of which a record shall be made within thirty days of the mailing of such notice. The hearing request may be made by mail, as evidenced by the official postmarked date, or by otherwise timely delivering such appeal. If the employer does not request a hearing within the thirty-day period the determination shall become final and effective, and the contributions, interest, and penalties due shall be assessed.~~

~~(e) All administrative penalties assessed pursuant to this Section shall be deposited into the state's unemployment trust fund.~~

\* \* \*

§1711.1. Independent contractor; rebuttable presumption

A.(1) Notwithstanding any provision of this Chapter to the contrary, there shall be a rebuttable presumption of an independent contractor relationship with the contracting party for whom the independent contractor performs work, if an individual or entity controls the performance, methods, or processes used to perform services and meets at least six of the following criteria:

(a) The individual or entity operates an independent business that provides services for or in connection with the contracting party.

(b) The individual or entity represents the provided services as self-employment available to others, including through the use of a platform application to obtain work opportunities or as a lead generation service.

(c) The individual or entity accepts responsibility for all tax liability associated with payments received from or through the contracting party.

(d) The individual or entity is responsible for obtaining and maintaining any required registration, licenses, or other authorization necessary for the legal performance of the services rendered by him as the contractor.

(e) The individual or entity is not insured under the contracting party's health insurance or workers' compensation insurance coverage and is not covered for unemployment insurance benefits.

(f) The individual or entity has the right to accept or decline requests for services by or through the contracting party and is able to perform services for or through other parties or can accept work from and perform work for other businesses and individuals besides the contracting party even if the individual voluntarily chooses not to exercise this right or is temporarily restricted from doing so.

(g) The contracting party has the right to impose quality standards or a deadline for completion of services performed, or both, but the individual or entity determines the days worked and the time periods of work.

(h) The individual or entity furnishes the major tools or items of equipment needed to perform the work.

(i) The individual or entity is paid a fixed or contract rate for the work performed and the contracting party does not pay the individual or entity a salary or wages based on an hourly rate.

(j) The individual or entity is responsible for the majority of expenses incurred in performing the services, unless the expenses are reimbursed under an express provision of a written contract between the parties or the expenses reimbursed are commonly reimbursed under industry practice.

(k) The individual or entity can use assistants as deemed proper for the performance of the work and is directly responsible for supervision and compensation.

(2) Any contracting party or independent contractor may rely on the provisions of this Section for the purpose of establishing an employment or independent contractor relationship.

B. The provisions of this Section shall not apply to any of the following:

(1) A motor carrier who pursuant to a contract with an owner operator as defined in R.S. 23:1021(10) undertakes the performance of services as a motor carrier.

(2) Any service excluded from the term "employment" as provided in R.S. 23:1472(12)(H).

(3) Any service performed in the employ of a state, any political subdivision of the state, or of an Indian tribe, or any instrumentality of the state, any political subdivision of the state, or any Indian tribe, which is wholly owned by one or more states, political subdivisions, or Indian tribes, but only if the service is excluded from employment as defined in the Federal Unemployment Tax Act.

(4) Any service performed by an individual in the employ of a religious, charitable, educational, or other organization, but only if the service is excluded from employment as defined in the Federal Unemployment Act.

Section 2. The legislature finds and declares the following:

(A) It is in the best interests of workers, businesses, and government entities to have clear and certain criteria in identifying an independent contractor relationship as compared to an employment relationship.

(B) These criteria will reduce unnecessary and costly litigation, as well as confusion in the workforce industry, amongst agencies, and within the court systems.

(C) To this end, this Act is to ensure that employees will be properly classified as such and afforded the legal protections and obligations that



apply to that status while workers who desire to be independent contractors know the criteria for that designation.

Section 3. The provisions of this Act shall not apply to any person or organization licensed by the Department of Insurance, any securities broker-dealer, or any investment adviser or their agents and representatives who are registered with the Securities and Exchange Commission, the Financial Industry Regulatory Authority, or licensed by the state of Louisiana.

Section 4. This Act shall be known and may be cited as “The Ernest C. Stephens Act”.

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 456**

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SENATE BILL NO. 86

BY SENATORS FOIL, ABRAHAM, BARROW, BOUDREAUX, CLOUD,  
FESI, TARVER, WHITE AND WOMACK

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 44:4.1(B)(9) and to enact R.S. 17:1948 and 3996(B)(59), relative to students with exceptionalities; to require public school governing authorities to adopt policies relative to the installation and operation of cameras in certain classrooms upon the request of a parent or legal guardian; to provide an exception relative to public records; to provide relative to funding; to provide relative to implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1948 and 3996(B)(59) are hereby enacted to read as follows:  
**§1948. Cameras in certain classrooms; definitions; required policies; confidentiality; authorization of funding**

**A. The governing authority of each public elementary and secondary school shall adopt policies relative to the installation and operation of cameras that record both video and audio in a classroom upon the written request of a parent or legal guardian.**

**B. For purposes of this Section, “classroom” shall mean a self-contained classroom or other special education setting in which a majority of students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least fifty percent of the instructional day and for which a parent or legal guardian has requested a camera to be installed. “Classroom” shall not mean special education classrooms and other special education settings where the only students with exceptionalities receiving special education and related services are those who have been deemed to be gifted or talented and have not been identified as also having a disability.**

**C. The policies shall include provisions for the following:**

**(1) The location and placement of cameras, including a prohibition against the recording of the interior of a restroom or any area designated for students to change or remove clothing.**

**(2) Written notice of the placement of the cameras to be provided to persons who enter a classroom where a camera is installed, including teachers and other school employees, students in the classroom, the students’ parents and legal guardians, and authorized visitors.**

**(3) Training concerning the provisions of this Section for any teacher or other school employee who provides services in a classroom where cameras are installed.**

**(4) The retention, storage, and disposal of the video and audio data recorded, including a requirement that the recordings be retained for at least one month from the recording date.**

**(5) Protecting student privacy and for determining to whom and under what circumstances the recordings may be disclosed including:**

**(a) Limiting viewing of the recordings to the superintendent or his designee and the parent or legal guardian of a recorded student upon request.**

**(b) Requiring any person who views a recording and who suspects the recordings show a violation of state or federal law to report the suspected violation to the appropriate law enforcement agency.**

**(6) Requiring each camera installed to be in compliance with the National Fire Protection Association’s Life Safety Code.**

**(7) Procedures for the approval or disapproval of a request for the installation and operation of cameras in a classroom.**

**(8) Procedures regarding how a parent or legal guardian may request to review a recording, under what circumstances a request may be made, and any limitations to a request.**

**D.(1) Recordings made pursuant to this Section shall be confidential and shall not be public record. However, a recording may be viewed by the superintendent or his designee, the parent or legal guardian of a recorded student, or by law enforcement officials as provided in the policies required by Paragraph (C)(5) of this Section.**

**(2) The recordings shall not be considered “personally identifiable information” as defined in R.S. 17:3914.**

**E. The governing authority of each public elementary and secondary school is authorized to accept, administer, and make use of federal, state, and local funds, any public and private grants and donations, and, when considered appropriate**

**and feasible, to accept nonmonetary resources in the form of services or equipment for use in connection with the installation and operation of cameras pursuant to this Section.**

**F. The state Department of Education shall assist public school governing authorities in identifying state and federal funds that may be used for the installation and operation of cameras pursuant to this Section.**

**G. As specific funding becomes available for this purpose, each public school governing authority shall implement the provisions of this Section.**

\* \* \*

§3996. Charter schools; exemptions; requirements

\* \* \*

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school’s officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

\* \* \*

**(59) Cameras in special education classrooms, R.S. 17:1948.**

\* \* \*

Section 2. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:

**§4.1. Exceptions**

\* \* \*

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

\* \* \*

(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175, 1202, 1237, 1252, **1948**, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3137, 3390, 3773, 3884

\* \* \*

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 457**

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SENATE BILL NO. 148

BY SENATORS CORTEZ, ABRAHAM, ALLAIN, BARROW, BERNARD,  
BOUDREAUX, CATHEY, CLOUD, FIELDS, FOIL, HARRIS, HENRY,  
HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU,  
MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL,  
PEACOCK, POPE, PRICE, REESE, TALBOT, TARVER, WHITE AND  
WOMACK AND REPRESENTATIVES ADAMS, AMEDEE, BACALA,  
BAGLEY, BEAULLIEU, BISHOP, BOURRIAQUE, BRASS, BROWN,  
BRYANT, BUTLER, CARRIER, GARY CARTER, ROBBY CARTER,  
WILFORD CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS,  
DEVILLIER, DUBUISSON, DUPLESSIS, ECHOLS, EDMONDS, EMERSON,  
FARNUM, FIRMENT, FONTENOT, FREEMAN, FREIBERG, FRIEMAN,  
GADBERRY, GAINES, GAROFALO, GLOVER, GOUDEAU, GREEN,  
HARRIS, HILFERTY, HODGES, HOLLIS, HORTON, HUGHES, HUVAL,  
ILLG, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, JORDAN,  
KERNER, LACOMBE, LANDRY, LARVADAIN, MACK, MAGEE, MARINO,  
MCCORMICK, MCKNIGHT, MCMAHEN, MIGUEZ, GREGORY MILLER,  
MINCEY, MOORE, MUSCARELLO, NELSON, NEWELL, ORGERON,  
CHARLES OWEN, ROBERT OWEN, PHELPS, PIERRE, PRESSLY,  
ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH,  
SELDERS, ST. BLANC, STAGNI, STEFANSKI, TARVER, THOMAS,  
THOMPSON, TURNER, VILLIO, WHEAT, WHITE, WRIGHT

AND ZERINGUE

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3047 through 3047.7, relative to the M.J. Foster Promise Program; to establish the program; to provide for program awards including establishing eligibility requirements and award amount limitations; to provide for funding and administration of the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3047 through 3047.7, is hereby enacted to read as follows:

**CHAPTER 20-G. M.J. FOSTER PROMISE PROGRAM**

**§3047. M.J. Foster Promise Award; purpose; award amount; limitations**

A. There is hereby created the M.J. Foster Promise Program to provide a financial assistance award to an eligible student who enrolls in a qualified program at a two-year public postsecondary education institution or an accredited proprietary school licensed by the Board of Regents to pursue an associate degree or a shorter-term postsecondary education credential that is a requisite for certain high-demand, high-wage occupations aligned to Louisiana's workforce priorities.

B.(1) Beginning with the 2022-2023 academic year, as funds allow, an award shall be provided to apply toward the tuition and required fees of each eligible student who enrolls in a qualified program as defined pursuant to R.S. 17:3047.1. The award shall be known as the "M.J. Foster Promise Award", hereinafter referred to as the "award".

(2)(a) The award shall be paid by the state on behalf of an award recipient to the two-year public postsecondary education institution or proprietary school where the award recipient is enrolled in a qualified program.

(b) As a condition for a two-year public postsecondary institution or proprietary school to remain eligible to receive payment from the state on behalf of an award recipient for qualified programs offering shorter-term credentials, the institution shall identify and provide a path for the shorter-term credentials earned to be stackable and transferable as academic credit.

C.(1)(a) Award amounts shall not exceed three thousand two hundred dollars per year for each award recipient enrolled full-time in a qualified program, or an amount proportional to the hours in which the award recipient is enrolled if enrolled less than full-time.

(b) For qualified programs of less than a year duration, the award may be greater than the amount provided in Subparagraph (a) of this Paragraph but shall not exceed the amount provided in Paragraph (2) of this Subsection.

(2) Total award payments for an award recipient shall not exceed six thousand four hundred dollars.

D. The award shall be applicable only to the cost of tuition and required fees.

E.(1) A student who is eligible for the award pursuant to this Chapter, and who also qualifies for any other federal, state, or institutional financial aid or award, may use the award only after all other financial aid and awards are applied and only for any remaining balance due for tuition and required fees.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection to the contrary, an eligible student who initially qualifies for an award pursuant to this Chapter and a Taylor Opportunity Program for Students award as provided pursuant to Chapter 50 of this Title, shall receive the highest award available and shall comply with the requirements of the award received.

#### §3047.1. Advisory council; membership; responsibilities

A. The Board of Regents shall establish an advisory council to identify programs in which an eligible student may enroll to receive an award pursuant to this Chapter. The identified programs shall be known as "qualified programs".

B. The advisory council shall be comprised of the following members or their designees:

- (1) The chancellor of Louisiana State University at Eunice.
- (2) The chancellor of Southern University at Shreveport.
- (3) The president of the Louisiana Community and Technical College System.
- (4) The commissioner of higher education.
- (5) The state superintendent of education.
- (6) The secretary of the Louisiana Department of Economic Development.
- (7) The executive director of the Louisiana Workforce Commission.
- (8) The chairman of the Louisiana Workforce Investment Council.
- (9) The secretary of the Louisiana Department of Revenue.

C. By January 1, 2022, and at least once every three years thereafter, the advisory council shall review the workforce priorities of the state and each of its workforce regions and designate qualified programs.

D. The process for selecting qualified programs by the advisory council shall include:

(1) The identification of not more than five industry sectors that are predominated by high-demand, high-wage jobs that are aligned to workforce priorities of the state and each of its workforce regions and identify high-demand, high-wage jobs in each of the sectors.

(2) A review of the postsecondary education requirements of each job identified pursuant to Paragraph (1) of this Subsection.

(3) A review of the public postsecondary education and proprietary school programs, at the associate degree level or below, that offer credentials and degrees that are aligned to the identified jobs in each industry sector.

(4) The designation of programs that offer the credentials and degrees identified pursuant to Paragraph (3) of this Subsection as "qualified programs".

(5) A review of the return on the state's investment in awards made to recipients who completed a qualified program.

E. Identification of industry sectors, high-demand, high-wage jobs, and the required degrees and credentials of the identified jobs shall, at a minimum, be based upon the following:

(1) A review of the most current statewide and regional industry and occupational forecasts as approved by the Occupational Forecasting Conference and the Louisiana Workforce Investment Council.

(2) A review of nationally recognized databases for industry and occupational projections.

(3) Input from the regional development organization in each region.

F. The advisory council shall identify and assist in the establishment of mechanisms to support award recipients to complete a qualified program and gain employment in the associated high-demand, high-wage jobs. Such mechanisms shall include the provision of college academic and career counseling and employer partnerships for developing mentorship programs

and work-based learning experiences.

#### §3047.2. Initial eligibility

A. To be eligible for the award, an applicant shall meet the following requirements:

(1) Be at least twenty-one years old.

(2) Have earned a high school diploma or its equivalent or shall co-enroll in a qualified program and a program to earn a high school credential that is recognized by the state of Louisiana.

(3) Be a citizen of the United States as defined by the administering agency.

(4)(a) Be a resident of Louisiana during the twenty-four months preceding the date of the application for the award or be a veteran of the United States Armed Forces who received an honorable discharge or general discharge under honorable conditions within the twenty-four months preceding the date of application and who has become a resident of Louisiana since separation from the United States Armed Forces.

(b) Notwithstanding Subparagraph (a) of this Paragraph or any other provision of law to the contrary, an award recipient does not have to be a resident of Louisiana, if the award recipient is:

(i) The spouse or dependent child of a resident of Louisiana on active duty with the United States Armed Forces who is stationed outside Louisiana but who claims Louisiana as the state of legal residence and who has filed a Louisiana state income tax return for the most recent two years.

(ii) The spouse or dependent child of a nonresident of Louisiana on active duty with the United States Armed Forces who is stationed in Louisiana under permanent change of station orders and who, not later than one hundred eighty days after reporting, changes his military personnel records to establish Louisiana as the official state of legal residence and complies with Louisiana income tax laws and regulations for the time period while stationed in Louisiana.

(5) Have not previously earned an undergraduate degree at the associate level or above.

(6) Meet any admission requirements of the postsecondary education institution and the qualified program.

(7) Have received an honorable discharge or general discharge under honorable conditions if the applicant served in the United States Armed Forces and separated from service.

(8)(a) Not be incarcerated.

(b) Have no conviction for any crime of violence as defined in R.S. 14:2(B).

(9) Have applied for federal student aid, unless the applicant demonstrates ineligibility for federal student aid to the administering agency.

(10) Provide the administering agency permission to collect and verify information relative to the success of the program provided pursuant to this Chapter including information regarding the applicant's employment before and after receiving the award.

(11) Agree to reside and work full-time in Louisiana for at least one year after the completion of the last semester that an award is provided.

(12) Agree to annually perform, during each year that an award is received, at least twenty hours of community service or to participate for at least twenty hours in an apprenticeship, internship, or mentorship that is related to the qualified program.

(13) Have a family income that does not exceed three hundred percent of the applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services or certify unemployment or underemployment for at least six months prior to receiving the award.

B. Proof of meeting each requirement shall be demonstrated and certified as required by rule of the administering agency.

#### §3047.3. Maintaining eligibility

A. To maintain continued state payment of the award, once enrolled in a postsecondary education institution, an award recipient shall:

(1) Make steady academic progress as defined by the administering agency toward completion of the requirements of the qualified program, unless an exception for cause is granted by the administering agency.

(2) Remain in good academic standing at the postsecondary education institution while enrolled in a qualified program.

(3) Maintain continuous enrollment, unless granted an exception for cause by the administering agency. "Continuous enrollment" shall mean:

(a) Earn at least one shorter-term postsecondary education credential per year if enrolled in a qualified program below the associate degree level.

(b) Enroll in the fall and spring semester of each academic year if enrolled in a qualified program at the associate degree level.

(4) Maintain a cumulative grade point average of at least 2.00 calculated on a 4.00 scale in a qualified program for which grades are issued.

(5)(a) Not be incarcerated.

(b) Have no conviction for any crime of violence as defined in R.S. 14:2(B).

(6) Have received an honorable discharge or general discharge under honorable conditions from the United States Armed Forces, if separation occurs after becoming a recipient of the award.

(7) Have received the award for not more than three consecutive academic years, unless an extension is granted for cause by the administering agency in accordance with its rules.

(8) Have used the award to earn not more than sixty hours of academic credit.

(9) Certify the completion of at least twenty hours of community service or participation in an apprenticeship, internship, or mentorship for the prior calendar year.

B. An award recipient who successfully completes a qualified program in less than three years shall be eligible to continue to receive the award, in



accordance with the limitations as specified in this Chapter, for any remaining time of eligibility by enrolling in another qualified program and continuing to meet all academic and other established eligibility requirements provided pursuant to this Chapter and by rule of the administering agency.

C. If an award recipient previously received the award and enrolled in a program that is subsequently determined to no longer meet the criteria as a qualified program, the award recipient may continue to use the award to continue in the program as long as all other continuing eligibility requirements are met.

§3047.4. Funding

A. The administering agency may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups, as well as any available federal or other governmental funding.

B. If the available funding is not sufficient to fully fund all eligible award recipients, awards shall be provided to eligible students in the order that applications are received, with priority given to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which they previously received the award.

C.(1) Implementation of the provisions of this Chapter shall be subject to the appropriation of funds by the legislature.

(2)(a) State appropriations for the program shall not exceed ten million dollars per year for students enrolled in public postsecondary education institutions.

(b) State appropriations shall not exceed five hundred thousand dollars for students enrolled in proprietary schools.

D.(1) The “M.J. Foster Promise Program Fund”, hereinafter referred to in this Chapter as the “fund”, is hereby created within the state treasury for the purpose of providing for the financial assistance awards and administration of the M.J. Foster Promise Program.

(2) The sources of monies deposited into the fund shall be legislative appropriations, federal grants, gifts, and donations received by the state for purposes of this Chapter. Monies in the fund shall be subject to appropriation by the legislature and shall be available exclusively for use by the Board of Regents, through the office of student financial assistance, for the M.J. Foster Promise Program.

(3) The administering agency shall adopt regulations and guidelines for the distribution and allocation of monies appropriated to the administering agency which shall be subject to approval by the Joint Legislative Committee on the Budget.

(4) All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund and be available for appropriation the next fiscal year. The monies shall be invested by the treasurer in the same manner as monies in the state general fund, and all interest earned shall be credited to the fund following compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund.

E. The costs for administering and promoting the program shall be paid from the funds appropriated for the program pursuant to this Section. Administrative and promotional costs shall not exceed five percent of the monies appropriated to the administering agency for the M.J. Foster Promise Program.

§3047.5. Administering agency

A. The program provided pursuant to this Chapter shall be administered by the Board of Regents through the office of student financial assistance.

B. The administering agency shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Chapter including the following:

(1) A mechanism for informing residents of the availability of the award.

(2) Financial audit procedures, program audit procedures, and other matters related to the efficient operation of the program.

(3) Applications, forms, timelines, deadlines, guidelines, policies, procedure, including timelines and deadlines for receipt by the administering agency of any required information.

(4) Notification to all appropriate public postsecondary education and proprietary school personnel of any changes in law or agency rules relative to the program no later than sixty days after such change.

§3047.6. Coordination with other agencies

A.(1) The office of student financial assistance shall establish a working group composed of an appointee from each of the following:

(a) The Louisiana Department of Children and Family Services.

(b) The Louisiana Department of Health.

(c) The Louisiana Department of Education.

(d) The Louisiana Workforce Commission.

(e) The Louisiana Department of Veterans Affairs.

(f) The Louisiana Association of Student Financial Aid Administrators.

(g) The office of student financial assistance.

(h) The Louisiana Department of Public Safety and Corrections.

(2) The working group shall meet at least annually upon the call of the executive director of the office of student financial assistance.

(3) The working group shall identify federal and state programs, including childcare supplements and other aid or services, that may provide additional support to award recipients to further their postsecondary education.

(4) The working group shall compile a list of all identified aid and services, provide a copy to the Board of Regents, and post the listing on the website of the office of student financial assistance.

B. Notwithstanding R.S. 47:1508 or any other law to the contrary, the administering agency shall enter into a memorandum of understanding with the Louisiana Department of Revenue and the Louisiana Workforce Commission to share information relative to a taxpayer's reported income and employment

information for purposes of generating data related to the success of award recipients in the workforce. Any information shared or furnished shall be held confidential by the administering agency, shall be reported in the aggregate only, and shall contain no personally identifiable information.

C. The administering agency shall enter into a memorandum of understanding with the Louisiana Department of Public Safety and Corrections to share information relative to a person's criminal history in order to determine award eligibility and to collect data relative to the recidivism rates of scholarship recipients. Any information shared or furnished shall be held confidential by the administering agency, shall be reported in the aggregate only, and shall contain no personally identifiable information.

§3047.7. Reporting system; implementation; requirements; applicability; participation by eligible institutions

A.(1) The administering agency shall develop and implement a uniform information reporting system for the purposes of policy analysis and program evaluation and for providing accurate data and statistics to the legislature, the governor, appropriate executive branch agencies, and the public relative to the effectiveness of the award provided pursuant to this Chapter.

(2) The reporting system shall include data on all award recipients.

(3) Compliance with the requirements of the information reporting system shall be a condition for a postsecondary education institution to remain eligible to receive payments from the state on behalf of an award recipient. Compliance determinations shall be made annually by the administering agency.

B. The information reporting system shall include the following:

(1) The mean length of time required for award recipients to complete a qualified program as compared to other completers of the program who did not receive the award.

(2) Demographic information of award recipients, including age, race, gender, and household income.

(3) Pre- and post-award employment information, including employment status, annual wages, and employer's industry sector.

(4) Recidivism rates of award recipients.

C. The administering agency shall, with the cooperation and assistance of the state's public two-year institutions of postsecondary education and proprietary schools, annually query each first-time award recipient to determine the extent receiving the award influenced the recipient's decision to enroll in postsecondary education.

D. Not later than December first of each year, the administering agency shall submit a written report including all of the information required by this Section for the preceding academic year to the Senate Committee on Education and the House Committee on Education.

E. All information reported pursuant to this Section shall be reported in the aggregate only and shall contain no personally identifiable information.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 23, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

ACT No. 458

SENATE BILL NO. 214  
BY SENATOR JACKSON

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 17:183.2(B)(1), (C), and (D), 183.3(C), and 2925(A) and (B), and to enact R.S. 17:2926(C), relative to individual graduation plans and curriculum options; to provide for a student's parent or legal guardian be provided certain information and approve the student's plan; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:183.2(B)(1), (C), and (D), 183.3(C), and 2925(A) and (B) are hereby amended and reenacted, and R.S. 17:2926(C) is hereby enacted to read as follows:

§183.2. Career option description

\* \* \*

B.(1) If the student, for any two of the three most recent school years, or for a student in high school, the two most recent administrations of any state-established assessments required for graduation, has not otherwise met state-established benchmarks on required state assessments, the student's Individualized Education Program team, with the written approval of the student's parent or legal guardian, shall have the option of determining an alternative pathway to graduation for the student.

\* \* \*

C. Throughout high school, each student shall pursue the curriculum required for his chosen major by his school and approved by the State Board of Elementary and Secondary Education or, for a student with an exceptionality as defined in R.S. 17:1942(B), except a student identified as gifted or talented and who has no other exceptionality, who meets the eligibility criteria as

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provided in Paragraph (B)(1) of this Section, as determined by the student's Individualized Education Program team, if applicable, and approved in writing by the student's parent or legal guardian.

D. Students shall, with the written approval of a parent or legal guardian, be able to change from one major to another at the end of any school semester.  
§183.3. Career major; description; curriculum and graduation requirements  
\* \* \*

C.(1) Each city, parish, and other local public school board shall submit a proposed curriculum to the State Board of Elementary and Secondary Education for approval. Such curriculum shall comply with the provisions of Subsection B of this Section and the provisions of R.S. 17:261 through 280.

(2) Each school with an approved career major program, shall annually conduct an informational meeting for the parents and legal guardians of students enrolled in the eighth grade regarding the approved curriculum.  
\* \* \*

§2925. Individual graduation plans  
A.(1) By the end of the eighth grade, every student, with the assistance of his parent or ~~other legal custodian~~ guardian and school counselor, and for a student with an exceptionality as defined in R.S. 17:1942(B), except a student identified as gifted or talented and who has no other exceptionality, the student's Individualized Education Program team, if applicable, shall begin to develop an Individual Graduation Plan to guide the next academic year's course work and to assist the student in exploring educational and career possibilities and in making appropriate secondary and postsecondary education decisions as part of an overall postsecondary plan.

(2) By the end of the eighth grade, each student's Individual Graduation Plan or the student's Individualized Education Program, if applicable, shall list the required core courses to be taken through the tenth grade and shall identify the courses to be taken in the first year of high school. Students who fail to meet the standard for promotion to the ninth grade, pursuant to policies adopted by the State Board of Elementary and Secondary Education, shall have any necessary remedial courses included in their Individual Graduation Plan. ~~The plan shall be reviewed annually and updated as necessary to identify the courses to be taken each year until all required core courses are completed.~~

(3) By the end of the tenth grade, each student's Individual Graduation Plan, based on the student's academic record, talents, and interests, shall outline high school graduation requirements relevant to the student's chosen postsecondary goals. Each student, with the assistance of his parent or ~~other legal custodian~~ guardian and school counselor, shall choose the high school curriculum framework and related graduation requirements that best meet his postsecondary goals. Each student's Individual Graduation Plan or the student's Individualized Education Program, if applicable, shall include the recommended sequence of courses for successful completion of a standard diploma ~~and shall be reviewed annually and updated or revised as needed.~~

(4) The Individual Graduation Plan shall be sufficiently flexible to allow the student to, with the written approval of a parent or legal guardian, change his program of study, yet be sufficiently structured to ensure that the student will meet the high school graduation requirements for his chosen major or the requirements of the student's Individualized Education Program, if applicable, and be qualified for admission to a postsecondary education institution or to enter the workforce.

(5) Each student's Individual Graduation Plan shall be reviewed annually and revised as necessary to identify the courses to be taken each year until all required core courses are completed.

(6) Upon completion of the review, the plan shall be signed by the student, his parent or other legal ~~custodian~~ guardian, and the school counselor.

(7) Prior to revising a student's individual graduation plan, the school counselor shall meet with the student's parent or legal guardian either in person or virtually to explain the possible impacts the revisions to the plan might have on the student's graduation requirements and postsecondary education goals. Any revisions to a student's plan shall be approved in writing by the student's parent or legal guardian.

B. To provide a foundation for the development of the Individual Graduation Plan, schools shall ~~provide career;~~

(1) Provide career awareness and exploration activities to all students in grades six through eight that create linkages between what a student does in school and what he wants to achieve in life. Such activities shall include career interest inventories and information to assist them in the career decision making process and may include job shadowing, job mentoring, and job internships.

(2) Hold an informational meeting for the parents and legal guardians of students enrolled in eighth through twelfth grade to provide information regarding graduation requirements and curriculum choices. The meeting shall be held in conjunction with the scheduling of courses for the next academic year. Notice of the meeting shall be made through available means of communication, including the school's automatic call system.  
\* \* \*

§2926. Student guidance and counseling; training and professional development  
\* \* \*

C. The state Department of Education shall develop materials regarding high school curriculum frameworks, graduation requirements, and relevant postsecondary education and career opportunities. The materials shall be provided to each school for use in the annual meeting with parents and legal guardians required by R.S. 17:2925.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 23, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State  
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ACT No. 459

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SENATE BILL NO. 36  
BY SENATOR REESE AND REPRESENTATIVES AMEDEE, BACALA, BEAULLIEU, ECHOLS, EDMONDS, HORTON, ORGERON, CHARLES OWEN, SCHAMERHORN, SCHLEGEL AND THOMPSON  
AN ACT

To amend and reenact R.S. 47:287.86(B), relative to net operating loss deductions on Louisiana corporation income; to authorize a net operating loss to carryover to each taxable year until the loss is fully recovered; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 47:287.86(B) is hereby amended and reenacted to read as follows:

§287.86. Net operating loss deduction  
\* \* \*

B. Net operating loss ~~carrybacks and carryovers.~~ (1) Except as otherwise provided for in Paragraph (2) of this Subsection, for all claims for this deduction on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates, the taxable years to which a Louisiana net loss may be carried shall be a net operating loss carryover to each of the twenty taxable years following the taxable year of such ~~the~~ loss.

(2) For all claims for this deduction on any return filed on or after January 1, 2022, for net operating losses relating to loss years on or after January 1, 2001, the loss may be carried to each taxable year following the loss year until the loss is fully recovered.  
\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 24, 2021.  
A true copy:  
R. Kyle Ardoin  
Secretary of State  
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ACT No. 460

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SENATE BILL NO. 97  
BY SENATOR LAMBERT  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 30:2153(2) through (5) and to enact R.S. 30:2153(1)(b)(v), (8) through (15), 2154(B)(1)(b)(iii), and 2157, relative to solid waste; to provide for advanced recycling processes, facilities, and products; to provide for definitions; to provide for exceptions; to provide for the power and duties of the secretary of the Department of Environmental Quality; to provide for certain materials; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 30:2153(2) through (5) are hereby amended and reenacted and R.S. 30:2153(1)(b)(v), (8) through (15), R.S. 2154(B)(1)(b)(iii) and 2157 are hereby enacted to read as follows:

§2153. Definitions  
As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

(1)  
\* \* \*  
(b) The definition of solid waste shall not include any of the following:  
\* \* \*

(v) Post-use polymers or recovered feedstocks that are converted through advanced recycling or are held at, or for the purpose of conversion at, an advanced recycling facility prior to conversion.

(2) "Resource management" means the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program. The term "resource management" shall not include the storage of post-use polymers or recovered feedstocks or the conversion of post-use polymers or recovered feedstocks through advanced recycling.

(3) "Resource recovery" means the process by which materials, excluding those under control of the Nuclear Regulatory Commission, which still have

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useful physical or chemical properties after serving a specific purpose are reused or recycled for the same or other purposes, including uses as an energy source. The term “resource recovery” shall not include the conversion of post-use polymers or recovered feedstocks through advanced recycling.

(4) “Resource recovery and management facility” means any solid waste disposal area or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste, excluding any “processing, treatment, or disposal facility” as defined in R.S. 30:2173. The term “resource recovery and management facility” shall not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

(5) “Solid waste disposal facility” means any land area or structure or combination of land areas and structures, used for storing, salvaging, processing, reducing, incinerating, or disposing of solid wastes, excluding any “processing, treatment, or disposal facility” as defined in R.S. 30:2173 and any facility where solid waste management activities are limited to transferring solid waste from collection vehicles to other vehicles for transport without processing. The term “solid waste disposal facility” shall not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

(8) “Advanced recycling” means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. The recycled products produced at advanced recycling facilities include but are not limited to monomers, oligomers, plastics, plastic and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, waxes, lubricants, coatings, and other basic hydrocarbons. Energy recovery or the conversion of post-use polymers into fuel shall not be considered recycling as defined in R.S. 30:2412(24). Advanced recycling shall not be considered solid waste disposal, processing, incineration, combustion, or storage.

(9) “Advanced recycling facility” means a facility that receives, stores, and converts post-use polymers and recovered feedstocks it receives using advanced recycling. An advanced recycling facility is subject to applicable department regulations. Advanced recycling facilities shall not be considered solid waste disposal, processing, incineration, combustion, or storage facilities.

(10) “Gasification” means a manufacturing process through which recovered feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into raw, intermediate, and final products, including but not limited to plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and diesel and gasoline blendstocks, home heating oil and other fuels, including ethanol and transportation fuel, that are returned to economic utility in the form of raw materials, products, or fuels.

(11) “Post-use polymer” means a plastic to which all of the following apply:  
(a) The plastic is derived from any industrial, commercial, agricultural, or domestic activities.

(b) The plastic is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility.

(c) The plastics’ use or intended use is as a feedstock for the manufacturing of crude oil, fuels, feedstocks, blendstocks, raw materials, or other intermediate products or final products using advanced recycling.

(d) The plastic has been sorted from solid waste or other regulated waste but may contain residual amounts of solid waste such as organic material and incidental contaminants or impurities such as paper labels or metal rings.

(e) The plastic is processed at an advanced recycling facility or held at such facility prior to processing.

(12) “Pyrolysis” means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and are then cooled, condensed, and converted into valuable raw, intermediate, and final products, including but not limited to plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline, and diesel and gasoline blendstocks, home heating oil and other fuels, including ethanol and transportation fuel, that are returned to economic utility in the form of raw materials, products, or fuels.

(13)(a) “Recovered feedstock” means one or more of the following materials that have been processed so that it may be used as feedstock in an advanced recycling facility:

(i) Post-use polymers.  
(ii) Materials for which the United States Environmental Protection Agency or the department has made a non-waste determination pursuant to 40 CFR 241.3(c), or has otherwise determined are feedstocks and not solid waste.

(b) The term “recovered feedstock” shall not include the following:

(i) Unprocessed municipal waste.  
(ii) Commonly recycled paper that is segregated from solid waste.  
(iii) Commonly recycled paper that is collected as part of a collection system that commingles the paper with other solid waste at any point from the time of collection through the materials recovery.

(iv) Material that is mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility.

(14) “Depolymerization” means a manufacturing process through which polymers or plastic materials are broken down into smaller molecules without damaging the monomers themselves and then converted into a raw, intermediate, or final product, including monomers, oligomers, plastics, plastic

and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings, and other basic hydrocarbons.

(15) “Solvolysis” means a manufacturing process through which post-use plastics are reacted with the aid of solvents while heated at low temperatures or pressurized to make useful products, while allowing additives and contaminants to be separated. The products of solvolysis include but are not limited to monomers, intermediates, and valuable raw materials. The process includes but is not limited to hydrolysis, aminolysis, ammonolysis, methanolysis, ethanolysis, and glycolysis.

§2154. Powers; duties; restrictions; prohibitions; penalties

B. The secretary is hereby directed:

(1)

(b) However, such rules and regulations shall not include any of the following:

(iii) Advanced recycling or facilities that store post-use polymers or recovered feedstocks or that convert post-use polymers and recovered feedstocks through advanced recycling. However, prior to conducting any advanced recycling activities as defined by this Chapter, the person conducting such activities shall submit written notification to the department.

§2157. Post-use polymers; management; use

A. Post-use polymers, as defined in this Chapter, shall be managed as follows:

(1) The storage of the post-use polymers prior to use shall not exceed reasonable time frames.

(2) Where there is an analogous ingredient, the post-use polymers shall be managed in a manner consistent with the analogous ingredient or otherwise be adequately contained to prevent releases to the environment.

(3) If there is no analogous ingredient, the post-use polymers shall be adequately contained to prevent releases to the environment.

B. The post-use polymers shall provide a useful contribution to the production or manufacturing process or be used to produce a valuable product or intermediate. A contribution is useful if it contributes a valuable ingredient to the product or intermediate or is an effective substitute for a commercial product. The product or intermediate is valuable if either:

(1) Post-use polymers are sold to a third party.

(2) Post-use polymers are used as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.

C. The use of post-use polymers shall result in products that contain contaminants at levels that are comparable in concentration to or lower than those found in traditional products that are manufactured with post-use polymer products.

Approved by the Governor, June 24, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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ACT No. 461

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SENATE BILL NO. 149

BY SENATOR HARRIS AND REPRESENTATIVE WILFORD CARTER

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To provide for a special statewide election on the second Saturday in October of 2021 for the purpose of submitting constitutional amendments to the electors of the state; to provide for the conduct of such election; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

**Section 1. A special statewide election shall be held on the second Saturday in October of 2021 for the sole purpose of submitting to the electors of the state any proposed constitutional amendment as proposed by Joint Resolutions of the legislature enacted during any regular session of the legislature in 2021.**

**Section 2. The election for which provision is made in this Act shall be held in compliance with and subject to the applicable provisions of the election laws of the state.**

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Section 4. This Act shall be void and of no effect if no proposed constitutional amendment as contained in a joint resolution is concurred in by each house of the legislature during the 2021 Regular Session of the Louisiana Legislature that specifies the special statewide election provided in this Act as the statewide election at which the proposed constitutional amendment shall be submitted to the electors.

Approved by the Governor, June 28, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 462**

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HOUSE BILL NO. 395  
BY REPRESENTATIVE ROMERO  
AN ACT

To amend and reenact R.S. 14:107.4(B), relative to the crime of unlawful posting of criminal activity for notoriety and publicity; to provide enhanced penalties when the criminal activity results in serious bodily injury or death; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:107.4(B) is hereby amended and reenacted to read as follows:

§107.4. Unlawful posting of criminal activity for notoriety and publicity

\* \* \*

B.(1) Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(2) Whoever violates the provisions of this Section and the criminal activity results in the serious bodily injury or death of the victim shall be fined not more than two thousand dollars, imprisoned with or without hard labor for not more than eight years, or both.

\* \* \*

Approved by the Governor, June 28, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 463**

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HOUSE BILL NO. 48  
BY REPRESENTATIVE MIGUEZ  
AN ACT

To amend and reenact R.S. 40:1379.3(D)(2) and to enact R.S. 40:1379.3(D)(1)(j), relative to concealed handgun permits; to provide relative to the required safety and training for applicants; to provide relative to the certification of instructors of the required safety and training courses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.3(D)(2) is hereby amended and reenacted and R.S. 40:1379.3(D)(1)(j) is hereby enacted to read as follows:

§1379.3. Statewide permits for concealed handguns; application procedures; definitions

\* \* \*

D.(1) In addition to the requirements of Subsection C of this Section, an applicant shall demonstrate competence with a handgun by any one of the following:

\* \* \*

(j) Completion of any United States Concealed Carry Association handgun safety or training course conducted by a United States Concealed Carry Association certified instructor within the preceding twelve months.

(2)(a) Instructors for any class, training, or course of instruction authorized by this Subsection, except for small arms training in military service as provided in Subparagraph (1)(g) of this Subsection, shall be certified by the any of the following:

(i) The Council on Peace Officer Standards and Training as a firearms instructor or by the

(ii) The National Rifle Association as an instructor for Basic Pistol Shooting, Personal Protection in the Home, Carrying a Concealed Weapon, or Personal Protection Outside the Home.

(iii) The National Rifle Association Law Enforcement Division as an instructor for courses involving the teaching of handguns.

(iv) The United States Concealed Carry Association as an instructor for Home Defense and Concealed Carry Fundamentals or Defensive Shooting Fundamentals.

(v) The Federal Law Enforcement Training Center's Firearms Instructor Training Program or other federal agency firearms instructor course consisting of at least forty hours of instruction.

(vi) Other instructor certification programs approved by the Department of Public Safety and Corrections.

(b) Any safety or training course or class as described in this Subsection, except for basic handgun training in military service provided in Subparagraph (1)(g) of this Subsection, shall include instruction in child access prevention, a demonstration by the applicant of shooting proficiency, and safe handling of a handgun.

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Approved by the Governor, June 29, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 464**

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HOUSE BILL NO. 54

BY REPRESENTATIVES EDMONDS AND VILLIO  
AN ACT

To enact R.S. 14:67.5, relative to misappropriation without violence; to create the crime of adoption deception; to provide for elements of the offense; to provide for criminal penalties; to provide for restitution; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:67.5 is hereby enacted to read as follows:

§67.5. Adoption deception

A. Any person who is a birth mother, or who holds herself out to be a birth mother, who is interested in making an adoption plan and who knowingly or intentionally benefits from payment of adoption-related expenses in connection with that adoption plan commits adoption deception if any of the following occur:

(1) The person knows or should have known that she is not pregnant at the time the payments were requested or received.

(2) The person accepts living expenses assistance from a prospective adoptive parent or adoption entity without disclosing that she is receiving living expenses assistance from another prospective adoptive parent or adoption entity at the same time in an effort to adopt the same child.

B. Any person who commits the crime of adoption deception shall be punished as follows:

(1) If the amount received by the person is one thousand dollars or less, the person shall either be fined up to five hundred dollars, imprisoned for not more than sixty days, or both.

(2) If the amount received by the person exceeds one thousand dollars, the person shall either be fined up to five thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

Approved by the Governor, June 29, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 465**

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HOUSE BILL NO. 124  
BY REPRESENTATIVE HOLLIS  
AN ACT

To amend and reenact R.S. 14:95(A)(1), (2), and (3), relative to the illegal carrying of weapons; to provide relative to the prohibition on the concealed carrying of any firearm or other instrumentality customarily used or intended for use as a dangerous weapon; to provide an exception to the offense for a concealed handgun permit holder; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(A)(1), (2), and (3) are hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

A. Illegal carrying of weapons is any of the following:

(1)(a) The intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person; or,

(b) The provisions of this Paragraph shall not apply to a person with a valid concealed handgun permit issued pursuant to R.S. 40:1379.1.1, 1379.3, or 1379.3.2 nor shall it prohibit a person with a valid concealed handgun permit issued pursuant to R.S. 40:1379.1.1, 1379.3, or 1379.3.2 from carrying a concealed firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon on his person unless otherwise prohibited by this Section.

(2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; or,(3) The ownership, possession, custody or use of any tools, or dynamite, or nitroglycerine, or explosives, or other instrumentality customarily used by thieves or burglars at any time by any person with the intent to commit a crime; or,

\* \* \*

Approved by the Governor, June 29, 2021.

A true copy:

R. Kyle Ardoin  
Secretary of State