

2018 LOUISIANA

LEGISLATIVE ACTS

SUMMARY

2018 LEGISLATIVE ACTS SUMMARY

Contents

This book summarizes all of the new laws passed by the Louisiana Legislature in 2018, not just those that were deemed material to SPWW's practice of law. The summaries of many laws that were deemed not material to our practice, however, have been shortened considerably. If you particularly like or dislike this approach, please let Mike Landry know.

Organization

The book is organized in a logical fashion. Please see the Table of Contents. In addition, the appendices contain various summaries prepared by other organizations, as well as a very brief summary of all of the Acts passed in 2018 in Act number order.

Warning

The summaries are not intended to substitute for careful examination of a new law itself, if it is at issue. Our summaries are based on more detailed summaries prepared by the Legislative staff, which are available at www.legis.state.la.us/home.htm (scroll down to "Bill Search", search by "Act" rather than "HB", and print the latest "Digest"). We have not attempted to verify the accuracy of the summaries prepared by the Legislative staff; we have simply edited them down. The summaries prepared by other organizations obviously vary widely in quality, scope, and perspective.

Effective Dates of Acts

Under La. Const. Art. 3, Section 19, except as may be otherwise specified in an act itself, (i) all laws enacted during a *regular session* of the legislature take effect on *August 15th* of the calendar year in which the session is held, and (ii) all laws enacted during an *extraordinary session* of the legislature take effect on the 60th day after final adjournment of the extraordinary session. The final adjournment of the 2018 *1st Extraordinary Session* occurred on March 5, 2018; the 60th day after that was *May 4, 2018*. The final adjournment of the 2018 *2nd Extraordinary Session* occurred on June 4, 2018; the 60th day after that was *August 3, 2018*. The final adjournment of the 2018 *3rd Extraordinary Session* occurred on June 24, 2018; the 60th day after that was *August 23, 2018*.

Where to Find Full Text of Acts and Laws

All Acts are available at www.legis.state.la.us/home.htm (scroll down to "Bill Search" and search by "Act" rather than "HB").

All Louisiana laws, once codified, are available at www.legis.state.la.us/tsrs/search.htm.

Feedback

If you have any thoughts on how this book might be improved, please send an email to Mike Landry, John Farnsworth, or Larry Orlansky. We would like to make the book as useful as possible.

Credits

Sarah Hatley – downloaded legislative staff summaries from the Legislature's website, implemented multiple rounds of edits, searched for summaries by other organizations, assembled all of the summaries in proper order and applied formatting.

Peggy Field Shearman – implemented edits to legislative staff summaries.

Mike Landry – edited legislative staff summaries for inclusion in book and provided design and oversight.

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Appendix B: Very brief summaries of acts of 2018 First Extraordinary Session, 2018 Second Extraordinary Session, 2018 Third Extraordinary Session, and 2018 Regular Session

CONSTITUTION

Qualification for Public Office (Act 719)

Proposed constitutional amendment prohibits the following persons from qualifying as a candidate for elective public office or holding elective public office or appointment of honor, trust, or profit in this state:

- (1) A person actually under an order of imprisonment for conviction of a felony.
- (2) A person convicted within this state of a felony or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony; who has exhausted all legal remedies; and who has not been pardoned either by the governor of this state or by the officer of the state, nation, government, or country having authority to pardon in the place where the person was convicted and sentenced.

Proposed constitutional amendment does not prohibit a person convicted of a felony from qualifying as a candidate for elective public office or holding elective public office or appointment of honor, trust, or profit if more than five years have elapsed since the completion of his original sentence for the conviction.

Proposed constitutional amendment does not prohibit a person from being employed by the state or a political subdivision.

The proposed amendment is to be submitted to the voters at the statewide election to be held on November 6, 2018.

(Adds Const. Art. I, Sec. 10.1)

Verdict Requirement for Felonies (Act 722)

Present constitution provides that a case in which the punishment is necessarily confinement at hard

labor shall be tried before a jury of 12 persons, 10 of whom must concur to render a verdict.

Proposed constitutional amendment provides that a unanimous verdict is required in cases for noncapital felony offenses committed on or after January 1, 2019.

The proposed amendment is to be submitted to the voters at the statewide election to be held November 6, 2018.

(Amends Const. Art. I, Sec. 17(A))

Intergovernmental Loans of Personnel or Equipment (Act 717)

Present constitution prohibits the loan, pledge, or donation of funds, credit, property, or things of value of the state, with many exceptions.

Proposed constitutional amendment adds an exception that, pursuant to written agreement, permits the use of public equipment and personnel by a political subdivision upon the request of another political subdivision for an activity or power which the requesting political subdivision is authorized to exercise.

The proposed amendment is to be submitted to the voters at the statewide election to be held on November 6, 2018.

(Amends Const. Art. VII, §14(B))

Homestead Exemption for Trusts (Act 721)

Present constitution grants a special assessment level to homesteads of people 65 or older that prohibits the assessment of the homestead from increasing above the property's total assessed value for the first year that the owner qualifies for and receives the special assessment level. The millage rate is not subject to the limitation.

Present constitution prohibits the special assessment level if such person's adjusted gross income, as reported in the federal tax return for the year prior to the application for the special assessment, or on both returns if the spouses are filing separately, exceeds \$71,491 for tax year

2016. The income level is adjusted annually by the Consumer Price Index. The special assessment level remains on the property as long as certain requirements concerning occupancy and property value are met.

Proposed constitutional amendment extends the special assessment level to certain trusts if the settlors of the trust meet the requirements of present constitution and as provided in new law.

Proposed constitutional amendment provides that if the trust would have been eligible for the special assessment level prior to the most recent reappraisal, the total assessment of the property held in trust shall be the assessed value on the last appraisal before the reappraisal.

Present constitution establishes an ad valorem tax exemption equal to \$7,500 of a property's assessed value for a military veteran with a 100% disability rating or their surviving spouse.

Proposed constitutional amendment extends eligibility for this exemption to certain trusts if the settlors of the trust meet the requirements of present constitution and as provided in law.

Present constitution establishes a 100% ad valorem tax exemption for the surviving spouse of a person who died while performing their duty as a member of the U.S. armed forces or the La. National Guard, or as a state police, law enforcement, or fire protection officer, or as a volunteer firefighter, or as an emergency medical responder, technician, or paramedic.

Proposed constitutional amendment extends eligibility for this exemption to certain trusts if the settlors of the trust meet the requirements of present constitution and as provided in law.

The proposed amendment is to be submitted to the voters at the statewide election to be held on November 6, 2018.

(Amends Const. Art. VII, §§18(G)(6), 21(K), and (M))

State Police Traffic Control (Act 720)

Present constitution authorizes monies in the Transportation Trust Fund to be appropriated or dedicated for costs for and associated with construction and maintenance of roads and bridges in the state and federal highway systems, the Statewide Flood-Control Program, ports, airports, transit, state police for traffic control purposes, and the Parish Transportation Fund.

Proposed constitutional amendment removes the authority to appropriate or dedicate monies in the Transportation Trust Fund to state police for traffic control purposes.

The proposed amendment is to be submitted to the voters at the statewide election to be held on November 6, 2018.

(Amends Const. Art. VII, Sec. 27(B)(1))

Property Tax Phase-Ins (Act 718)

Present constitution requires property subject to ad valorem taxes to be listed on the assessment rolls at its assessed value, which is a percentage of its fair market value, and requires all property subject to taxation to be reappraised and valued at intervals of not more than four years.

Proposed constitutional amendment adds that in a reassessment year, if any residential property's assessed value increases by greater than 35% of the amount of the property's assessed value in the previous year, the assessor shall phase-in the amount of the increase in the property's assessed value over a four-year period.

Proposed constitutional amendment prohibits property subject to the provisions of this proposed constitutional amendment from being reappraised by an assessor until after the four-year phase-in of the increase in the amount of the property's assessed value is complete.

Proposed constitutional amendment provides that the increase in assessed valuation of property phased in shall be included as taxable property for purposes of any subsequent reappraisals and valuation for millage adjustment purposes.

Proposed constitutional amendment provides that the decrease in the total amount of ad valorem tax collected by a taxing authority as a result of the phase in of assessed valuation shall be absorbed by the taxing authority and shall not create any additional tax liability for other taxpayers in the taxing district as a result of any subsequent reappraisal and valuation or millage adjustment.

Proposed constitutional amendment provides that implementation of the phase-in of increase in assessed valuation shall neither trigger nor be cause for a reappraisal of property or an adjustment of millages. Proposed constitutional amendment shall not apply to the extent the increase was attributable to construction on or improvements to the property.

The proposed amendment to the voters at the statewide election to be held on November 6, 2018.

(Amends Article VII, Section 18(A) and (F))

CIVIL CODE

Spousal Support (Act 265)

Present law provides for the determination of final periodic support when a spouse is not at fault and is in need of support.

New law adds a presumption of entitlement to support if the divorce is granted on fault-based grounds or the court finds that a party or a child of one of the spouses is a victim of domestic abuse.

Old law provided for an award of interim spousal support and provided for termination six months after the judgment of divorce if a party is a victim of domestic abuse. New law provides for the termination of interim spousal support six months after the judgment of divorce in all cases.

Present law provides for the modification and termination of an award of support. Proposed law clarifies that both interim and final support awards may be modified and terminated.

Present law provides for the extinguishment of the obligation of spousal support upon remarriage, death, or cohabitation. New law clarifies that both interim and final support awards may be extinguished for those reasons.

Old law provided that the failure to bring an action for divorce or support under domestic abuse grounds does not affect the rights of parties to seek other remedies provided by law. New law repeals old law.

(Amends C.C. Arts. 103(5), 112, 113, 114, and 115; Repeals C.C. Art. 118)

Child Visitation Rights (Act 383)

Prior law provided for grandparent visitation rights if the court finds that it is in the best interest of the child, and provided that the court shall hold a contradictory hearing to determine whether the court should appoint an attorney to represent the child. Prior law provided that under extraordinary circumstances, any other relative, by blood or affinity, or a former stepparent or step-grandparent, may be granted reasonable visitation rights, if the court finds that it is in the best interest of the child. Extraordinary circumstances include a determination by a court that a parent is abusing a controlled dangerous substance.

New law retains prior law, except to require a determination in both instances of whether an attorney should be appointed to represent the child and provides that visitation rights may be granted to a grandparent or other relative only if the parents are not married or living with another person or if the parents have filed for divorce.

Prior law provided that in determining the best interest of the child in grandparent and other relative visitation, certain factors shall be considered by the court.

New law adds a parent's constitutional right to make decisions for a child and a presumption of fitness as factors to be considered by the court. New law removes the willingness of the relative to encourage a close relationship between the child and parent as a factor to be considered by

the court. New law makes the itemized factors the only factors that can be considered by the court.

Prior law provided that in the event of a conflict between prior law and other law relative to grandparent and sibling visitation, the other law controls. New law provides that if the parents of a child are married and have not filed for divorce or they are living in concubinage, the provisions of the other law relative to grandparent and sibling visitation applies.

Effective August 1, 2018.

(Amends C.C. Art. 136)

Legal Capacity (Act 164)

Present law requires the concurrence of the coroner for the filing of a petition for continuing tutorship. New law requires the coroner's concurrence to be written.

Present law provides for restrictions on legal capacity and exceptions to those restrictions. New law eliminates the exception stating that a person with intellectual disabilities over the age of eighteen has the legal capacity of a minor operating under emancipation conferring the power of administration.

Present law provides that a decree restricting legal capacity may be contested in court and provides for the standard of proof. New law retains present law but replaces the standard of proof with good cause.

(Amends C.C. Arts. 355, 359 and 361)

Punitive Damages for Hazing (Act 481)

New law provides that, in addition to general damages, exemplary damages may be awarded upon proof that the death of a person was caused by the wanton and reckless disregard for the rights and safety of the person through an act of hazing, regardless of whether the defendant was prosecuted for his acts.

Effective upon signature of the governor (May 25, 2018).

(Adds C.C. Art. 2315.10)

Effect of Settlement and Dismissal of a Defendant (Act 443)

Present law provides that the filing of a suit in a competent court and in the proper venue or from service of process interrupts prescription as long as the suit is pending.

Present law provides that interruption is considered never to have occurred if the plaintiff abandons, voluntarily dismisses the action at any time either before the defendant has made any appearance of record or thereafter, or fails to prosecute the suit at the trial.

New law specifies that a settlement and subsequent dismissal of a defendant does not qualify as a voluntary dismissal.

The provisions of new law are intended to codify the ruling of the court in *Pierce v. Foster Wheeler Constructors, Inc.*, 906 So.2d 605 (La.App. 1st Cir. 2005).

(Amends C.C. Art. 3463)

Prescription of Tuition Fees (Act 471)

New law removes payment for tuition fees as an action subject to a liberative prescription of three years.

Effective August 1, 2018.

(Amends C.C. Art. 3494(1))

CODE OF CIVIL PROCEDURE

Default Judgments, Exhibits, Capacity, and Curators (Act 195)

Old law provided the orders and judgments that may be signed by the district judge in chambers, but excluded judgments granting or confirming a default. New law removes the exception and permits final default judgments granting or confirming preliminary defaults to be signed by the district judge in chambers.

Old law provided that an exhibit to a pleading is a part of that pleading for all purposes. New law deletes the phrase "for all purposes" to resolve an inconsistency with Article 966(A)(4), which prohibits the filing of exhibits to pleadings in connection with motions for summary judgment unless the exhibits themselves are properly authenticated.

Present law provides as a general rule that it is not necessary to allege the capacity or authority of a party to sue and be sued. New law recognizes and addresses exceptions to this general rule, such as Article 4061.1, which requires a natural tutor in some circumstances to allege that he qualifies to act of right as tutor.

Old law used the term "judgment by default" in a manner that was inconsistent with other provisions of the Code of Civil Procedure. New law clarifies by replacing prior terminology with "final default judgment".

New law provides that when a final default judgment is rendered as a discovery sanction against the defendant, the plaintiff must still set forth a prima facie case as required by Article 1702.

Old law required service by the sheriff of the notice of the signing of a final default judgment when the defendant was not served personally and has filed no exceptions or answer. New law adds that service by the sheriff is only required when the defendant did not otherwise make an appearance by filing a pleading.

Old law required the clerk of court to mail notice of the signing of a final default judgment to a defendant who filed no exceptions or answer but who was served personally. New law clarifies by providing that notice of the signing of a final default judgment shall be mailed by the clerk of court to the defendant unless the defendant was not served personally, in which case the requirements of Article 1913(B) will apply.

Old law used the term "curator". New law clarifies by replacing "curator" with "attorney" in accordance with Article 5091.

(Amends C.C.P. Arts. 194, 853, 855, 1471, 1913, and 3952)

Individual Orders and Judgments During Emergencies and Disasters (Act 275)

New law provides that a district court or a court of limited jurisdiction may sign orders and judgments while outside of its territorial jurisdiction during an emergency or disaster declared as such by the governor pursuant to law, if the emergency or disaster prevents the court from operating in its own jurisdiction. New law requires that the court shall indicate the location where the order or judgment was signed.

(Adds C.C.P. Art. 196.1)

Proof of Federal and Other States' Laws (Act 184)

Present law provides that a court shall take judicial notice of the laws of the United States, of every state, territory, and other jurisdiction of the United States, and of the ordinances enacted by any political subdivision within the court's territorial jurisdiction whenever certified copies of the ordinances have been filed with the clerk of that court.

Present law provides that printed books or pamphlets purporting on their face to be the statutes of any of the United States, or the territories thereof, or of any foreign jurisdiction, and either printed and published by the authority of any such state, territory or foreign jurisdiction, or proved to be commonly recognized in its courts, shall be received in the courts of this state as prima facie evidence of such statutes.

New law deletes the requirement of submitting printed books or pamphlets in order for the court to recognize such statutes, and provides that the court shall take judicial notice of the laws of the United States, and of every state, territory, and other jurisdiction of the United States pursuant to existing judicial notice law C.E. Art. 202.

(Amends C.C.P. Art. 1392)

Response to Written Interrogatories in Family Law Matters (Act 135)

Old law requires that a party respond to written interrogatories and requests for production of documents within 30 days of service of the written discovery requests.

New law reduces the time delay to respond to written interrogatories from 30 days to 15 days in family law matters, including divorce, custody, support, community property, and incidental matters.

(Amends C.C.P. Arts. 1458 and 1462(B))

Pre-Trial Conferences (Act 254)

Present law provides that a district court may direct the attorneys for the parties to appear before it for conferences to consider various pretrial matters, including scheduling discovery time limitations, fact and issue stipulations, witnesses and testimony, and setting a trial date.

New law adds that upon motion of any party when a suit has been pending for more than one year without a trial date being set, the court shall set the matter for conference for the purpose of resolving all pretrial matters.

New law adds that the conference may be conducted in chambers, by telephone, or by video teleconference.

(Adds C.C.P. Art. 1551(D))

Court Costs for Successions (Act 422)

Prior law provided that court costs for successions valued less than \$75,000 shall be one-half the court cost of a large succession. New law changes the amount from \$75,000 to \$125,000.

Effective August 1, 2018.

(Amends C.C.P. Art. 3422)

Management of Funds of Minors (Act 607)

Prior law authorized the court to order that money being paid to a minor as the result of a judgment or settlement be paid directly into the registry of the court for the minor's account, and that such money be withdrawn only upon approval of the court.

New law adds the requirement that withdrawn funds be invested in an interest-bearing investment approved by the court, unless the court for good cause approves another disposition.

Prior law authorized the funds to be invested directly in an investment approved by the court. New law also requires the investment to be interest-bearing.

Prior law authorized the funds to be placed in trust in accordance with the Louisiana Trust Code. New law adds that the trust shall be administered by an individual or corporate trustee as determined by the court.

Effective August 1, 2018.

(Amends C.C.P. Arts. 4272 and 4521)

Computation of Time to Seek Reconsiderations, Rehearing or Individual Review or Appeal (Act 128)

Present law provides that in computing a period of time allowed or prescribed by law or by order of court, the date of the act, event, or default after which the period begins to run is not to be included. Present law provides that the last day of the period is to be included, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

Present law provides that a half-holiday is considered a legal holiday, and that a legal holiday is to be included in the computation of a period of time allowed or prescribed, except when:

- (1) It is expressly excluded.

- (2) It would otherwise be the last day of the period.
- (3) The period is less than seven days.

New law adds that a legal holiday shall be excluded in the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by an agency in the executive branch of state government.

New law provides an exception from new law for the rehearing, reconsideration, or judicial review or appeal of a decision or order by the Dept. of Revenue.

(Amends C.C.P. Art. 5059)

CODE OF CRIMINAL PROCEDURE

Serious Infectious Diseases (Act 118)

Present law provides that any person who commits any act which exposes a law enforcement officer to a serious infectious disease by any means resulting in contact with the officer during the course and scope of an arrest for any offense shall be required to submit to a test designed to determine whether he is infected with a sexually transmitted disease, acquired immune deficiency syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, any other probable causative agent of AIDS, viral hepatitis, or any other serious infectious disease.

New law amends the definitions of "act" and "law enforcement officer" for the purpose of expanding the application of present law to do both of the following:

- (1) Require the testing of any person who exposes a licensed emergency medical services practitioner or a firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state or any volunteer firefighter of the state to a serious infectious disease.

- (2) Require the testing of any person who exposes an employee of a forensic laboratory to a serious infectious disease through the employee's investigation and handling of evidence related to the person's arrest.

(Amends C.Cr.P. Art. 222)

Release for Failure to Appoint Counsel Timely (Act 129)

Present law provides that a defendant shall be brought before a judge within 72 hours of arrest for the appointment of counsel, and that failure to do so results in the immediate release of the defendant.

New law changes old law to allow for the release of the defendant on his own recognizance.

(Amends C.Cr.P. Art. 230.1(C))

Eyewitness Identification Procedures (Act 466)

New law provides that no later than 1/30/19, any criminal justice entity conducting eyewitness identifications must adopt the La. Sheriff's Executive Management Institute ("LSEMI") model policy on eyewitness identification procedures, or draft its own policy that minimally comports to key best practices as outlined in new law.

New law provides that each criminal justice entity that administers eyewitness identification procedures must provide a copy of its written policies to the La. Commission on Law Enforcement and Administration of Criminal Justice no later than 3/1/19.

New law provides that for any criminal justice entity that elects to draft its own policy on eyewitness identification procedures, these policies must meet various specified criteria.

New law provides that by December 31st of each odd-numbered year, the institute is to review the model policy and training materials adopted under new law and modify the policy and

materials as appropriate while maintaining the requirements outlined in new law.

New law provides that by September first of each even-numbered year, each law enforcement agency is to review its policy adopted under new law and modify that policy as appropriate while maintaining the requirements outlined in new law.

New law provides that failure to conduct a photograph or live lineup identification procedure in substantial compliance with the model policy or any other policy adopted under new law does not bar the admission of eyewitness identification testimony.

New law provides that a video record of identification procedures is to be made or, if a video record is not practicable, an audio record is to be made. New law provides that if neither a video nor audio record are practicable, the reasons must be documented in writing, and the lineup administrator is to make a full and complete written record of the lineup.

New law provides that the written eyewitness identification procedures of a criminal justice entity must be made available, in writing, to the public upon request.

New law provides that evidence of failure to comply with any of the provisions of new law:

- (1) May be considered by the district court in adjudicating motions to suppress an eyewitness identification.
- (2) May be admissible in support of any claim of eyewitness misidentification, as long as the evidence is otherwise admissible.

Effective upon signature of the governor (May 23, 2018).

(Adds C.Cr.P. Art. 251-253)

Bail (Act 484)

Prior law provided that after conviction and before sentence, bail is to be allowed if the maximum sentence that may be imposed is imprisonment for five years or less. New law retains prior law.

Prior law provided that bail may be allowed pending sentence if the maximum sentence that may be imposed is imprisonment exceeding five years, except when the court has reason to believe, based on competent evidence, that the release of the person convicted will pose a danger to any other person or the community, or that there is a substantial risk that the person convicted might flee. New law retains prior law.

New law adds that after conviction of any crime punishable by imprisonment for 25 years or more that is both a sex offense and a crime of violence, there exists a rebuttable presumption that the release of the person convicted will pose a danger to another person or the community and that there is a substantial risk that the person convicted might flee.

Effective upon signature of the governor (May 25, 2018).

(Amends C.Cr.P. Art. 312(G))

Jury Commissions and Clerks of Court (Act 417)

Prior law provided for a jury commission in each parish to perform certain functions, including coordination of the jury venire process.

Prior law required the clerks of court of Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish to perform the functions of the jury commission in their respective parishes.

New law adds Caldwell Parish to the clerks of court required to perform the functions of the jury commission in their respective parishes.

Effective August 1, 2018.

(Amends C.Cr.P. Art. 404(H))

Location of Crimes (Act 125)

Present law provides that if the offender is charged with the crime of first or second degree murder and it cannot be determined where the offense occurred, the offense is deemed to have been committed in the parish where the body of the victim was found.

New law expands the application of present law to all crimes involving the death of a human being.

New law provides that if the offender is charged with the crime of accessory after the fact, the offense is deemed to have been committed either in the parish where the principal felony was committed or in the parish where any act or element constituting the basis for the accessory after the fact prosecution occurred.

New law provides that if the offender is charged with the crime of obstruction of justice, the offense is deemed to have been committed either in the parish of the underlying criminal proceeding or investigation or in the parish where any act or element constituting the basis for the obstruction of justice prosecution occurred.

(Amends C.Cr.P. Art. 611(B); Adds C.Cr.P. Art. 611(D))

Speedy Trial Motions (Act 259)

New law provides that after a motion for a speedy trial has been filed by the defendant, if the defendant files any subsequent motion which requires a contradictory hearing, the court may suspend or dismiss the pending speedy trial motion.

New law provides that the period of time within which the trial is required to commence may be suspended from the time that the subsequent motion is filed by the defendant until the court rules upon such motion.

(Amends C.Cr.P. Art. 701)

Jury Vote in Felony Cases (Act 493)

Present law requires a unanimous jury vote in cases in which punishment maybe capital, but requires 10 of 12 jurors to concur in other felony cases.

New law retains present law relative to noncapital felony cases for offenses committed prior to Jan. 1, 2019, but amends present law to provide that a unanimous verdict is required in cases for noncapital felony offenses committed on or after Jan. 1, 2019.

New law is effective if and when the proposed constitutional amendment (HB No. 354 or SB No. 243 of the 2018 R.S.) to La. Const. Art. I, § 17(C) is adopted at a statewide election and becomes effective.

(Amends C.Cr.P. Art. 782(A))

Polling of Jury (Act 335)

New law removes the authority of the court to conduct an oral poll of the jury after a verdict is rendered.

With respect to the conducting of a written poll of the jury after a verdict is rendered, new law retains present law but provides that the polling slips used to conduct the poll may be placed under seal upon order of the court, and that the slips shall not be released to the public without a subsequent order of the court authorizing their release.

(Amends C.Cr.P. Art. 812)

Responsive Verdicts for Certain Crimes (Act 680)

New law retains present law relative to responsive verdicts for cases arising under the CDS Law, but adds that for any offense arising under the CDS Law that is graded according to the weight of the substance, the responsive verdicts shall include grades of the offense that are based upon lesser weights than the weight of the substance that is charged in the indictment.

Present law crimes of theft, simple criminal damage to property, and unauthorized use of a movable provide certain penalties based on the value of the property that is taken or damaged.

New law amends the present law responsive verdicts for the crimes of theft, aggravated criminal damage to property, simple criminal damage to property, and the attempt to commit these offenses to reflect the present law threshold values for the crimes of theft, simple criminal damage to property, and unauthorized use of a movable.

(Amends C.Cr.P. Art. 814(A) and (B))

DWI Special Costs (Act 198)

Present law provides that a person convicted of a DWI violation who was subjected to a blood, breath, or urine analysis for alcohol or any controlled dangerous substance shall be assessed an additional \$75 as special costs to be paid as follows:

- (1) \$25 to the governing authority owning the instrument used to perform the analysis.
- (2) \$50 to the governing authority whose agency performed the analysis.

New law increases the special costs from \$75 to \$150, with \$75 paid to the governing authority owning the instrument and \$75 paid to the governing authority who performed the analysis.

(Amends C.Cr.P. Art. 887(C))

Substance Abuse Probation Programs (Act 431)

Present law provides for a substance abuse probation program in which the Dept. of Public Safety and Corrections may enter into cooperative endeavors with the La. Dept. of Health to provide substance abuse treatment and counseling for eligible defendants.

New law expands this program to provide counseling and treatment for defendants with

substance abuse disorders, or defendants with co-occurring mental illness and substance abuse disorders, who are sentenced to substance abuse probation pursuant to present law.

New law authorizes the Dept. of Public Safety and Corrections to enter into cooperative endeavors or contracts with local governmental entities, instead of the La. Department of Health, to provide for substance abuse treatment and counseling and mental health treatment for defendants participating in the program.

(Amends C.Cr.P. Arts. 903 and 903.2)

Expunged Records (Act 141)

New law adds the Louisiana State Board of Chiropractic Examiners to the long list of entities authorized to request and receive an expunged record.

(Amends C.Cr.P. Art. 973(B))

Expungements (Act 678)

Present law provides that the expungement of a record of arrest and conviction of a felony offense shall occur only once with respect to any person during a 15-year period.

New law amends present law to provide that this limitation on the number of expungements a person may receive during a 15-year period does not apply to persons who seek the expungement of a record of arrest and conviction for a conviction that was set aside and the prosecution dismissed.

(Amends C.Cr.P. Art. 978(D))

Expungement for Indigents (Act 404)

New law provides that an applicant for the expungement of a record may proceed in forma pauperis in accordance with law relative to the waiver of court costs for indigent parties in civil matters.

Effective August 1, 2018.

(Adds C.Cr.P. Art. 983(H))

Motions for Expungement (Act 711)

New law amends the forms for a motion for expungement and a motion for interim expungement to extend from 30 days to 60 days the amount of time that a background check may be used in seeking an expungement.

(Amends C.Cr.P. Arts. 989, 992, 993, and 994)

CODE OF EVIDENCE

Evidence of Domestic Abuse, Family Violence, or Sexual Assault (Act 228)

New law authorizes the admissibility and consideration of evidence of the defendant's commission of a crime, wrong, or act involving domestic abuse, family violence, or sexual abuse in civil actions alleging acts of domestic abuse, family violence, or sexual abuse.

Effective upon signature of the governor (May 15, 2018).

(Adds C.E. Art. 412.5)

CHILDREN'S CODE

Restraints of Children in Court (Act 453)

New law provides that children shall not be restrained in court proceedings, but in delinquency proceedings a court may permit restraints upon a particularized determination of necessity.

New law provides that if it is alleged that it is necessary to restrain a child, the child's attorney shall have the opportunity to object on the record, and if restraints are ordered, the court shall state the reasons therefor. New law authorizes the court to authorize the use of restraints when the conduct of the child during the hearing presents an imminent threat, risk of flight, or physical harm.

(Amends Ch.C. Art. 408)

CASA Volunteer Rights (Act 320)

New law grants authority to court appointed special advocate program (CASA) volunteers to access the child's home to evaluate the home for safety concerns, unless prohibited by the court.

New law requires that CASA volunteers be allowed to attend all family team meetings as well as administrative review hearings related to the case, unless the parent objects.

New law adds CASA program staff members and board of director members to those individuals who may be screened by a court for any justifiable reports of abuse or neglect, if any such individuals have contact with children served by CASA.

(Amends Ch.C. Arts. 424.2, 424.4(B), and 616)

Female Genital Mutilation (Act 458)

Present law defines "sexual abuse" and provides that any person who is 18 years of age or older who witnesses the sexual abuse of a child and knowingly and willfully fails to report the sexual abuse to law enforcement or to DCFS shall be fined not more than \$10,000, imprisoned with or without hard labor for not more than five years, or both.

New law adds the crime of "female genital mutilation" to the list of crimes which constitute the failure to report sexual abuse of a child.

New law also adds "female genital mutilation" to the definitions of "abuse", "sexual abuse", and "crime against the child" as they relate to various provisions of the Children's Code applicable to the protection of children and child in need of care proceedings.

Present law provides for the grounds which must be asserted in child in need of care proceedings.

New law provides an additional ground to be asserted that the child is a victim of female genital mutilation or is the sister of a child who has had the crime of female genital mutilation committed upon her.

(Amends R.S. 14:403(A)(4)(b); Adds C.Ch. Arts. 502(1)(d) and 4(r), 603(2)(e), and (12)(t), and 606(A)(8))

Child Abuse or Neglect in Military Families (Act 104)

New law requires the Dept. of Children and Family Services in cases of child abuse or neglect involving military families to notify the United States Department of Defense Family Advocacy Program concerning the investigation.

(Amends Ch.C. Art. 610(A))

Reporting of Suspected Child Abuse or Neglect (Act 207)

Present law provides that permitted reporters of suspected child abuse or neglect shall report such cases by phone through the Dept. of Children and Family Services (DCFS) designated child protection reporting hotline. New law adds reporting in person at any DCFS child welfare office as a means for permitted reporters to report suspected cases of child abuse or neglect.

New law provides that mandatory reporters of suspected child abuse or neglect shall report such cases through the DCFS designated child protection reporting hotline, via the DCFS Mandated Reporter Portal online, or in person at any child welfare office.

New law stipulates that making a report of suspected child abuse or neglect to DCFS by facsimile does not relieve the reporter of his duty to report in accordance with present law and new law.

Present law provides that if a mandatory reporter's initial report of suspected child abuse or neglect was in oral form, then it shall be followed by a written report made within five days to the local child protection unit of DCFS. New law revises present law to provide that if a mandatory reporter's initial report was in oral form, then it shall be followed by a written report made within five days via the online DCFS Mandated Reporter Portal or by mail to the DCFS centralized intake unit.

(Amends Ch. C. Art. 610(A) and (D))

Indian Children (Act 296)

New law provides that the Indian Child Welfare Act supersedes the Children's Code when a child may be removed from a parent. New law lists the child custody proceedings to which the Indian Child Welfare Act applies.

New law requires Department of Children and Family Services (DCFS) to inquire whether a child is an Indian child during their investigation of reports of abuse.

New law requires the court at a continued custody hearing in a child in need of care proceeding to ask whether there is reason to know that the child may be an Indian child.

New law lists the factors from the federal regulations that give the court reason to know that a child is an Indian child and, if so, requires the court to proceed as such in accordance with the Indian Child Welfare Act.

New law requires a child in need of care petition to state whether the petitioner knows or has reason to know that the child is an Indian child.

New law provides that prior to adjudication of a child in need of care proceeding, the court is required to inquire as to whether the child is an Indian child, and if the child is not, the court may proceed with the adjudication. However, if there is reason to know that the child is an Indian child, the court shall immediately proceed in accordance with the Indian Child Welfare Act.

New law provides that if a tribe receiving notice of a proceeding fails to respond, the court may determine that the child is not an Indian child and proceed to adjudication.

New law adds a Comment to clarify that if the court knows that the child is an Indian child, it must proceed in accordance with the Indian Child Welfare Act, which requires notice to the tribe, active efforts to prevent removal of the child, the appointment of experts, and strict standards of evidence.

New law requires a family in need of services petition to state whether the petitioner knows or has reason to know that the child is an Indian child.

New law provides that prior to adjudication of a families in need of services proceeding, the court is required to inquire as to whether the child is an Indian child, and if the child is not, the court may proceed with the adjudication. However, if there is reason to know that the child is an Indian child, the court shall immediately proceed in accordance with the Indian Child Welfare Act.

New law provides that if a tribe receiving notice of a proceeding fails to respond, the court may determine that the child is not an Indian child and proceed to adjudication.

New law requires a petition for adoption to state whether the petitioner knows or has reason to know that the child is an Indian child.

New law provides that at the termination of parental rights hearing, the court is required to inquire as to whether the child is an Indian child, and if the child is not, the court may proceed with termination. However, if there is reason to know that the child is an Indian child, the court shall immediately proceed in accordance with the Indian Child Welfare Act.

New law provides that if a tribe receiving notice of a proceeding fails to respond, the court may determine that the child is not an Indian child and proceed to termination.

New law requires a surrender of parental rights form to state whether the child is an Indian child.

New law requires a petition for voluntary transfer of custody to state whether the child is an Indian child.

New law, in accordance with the Indian Child Welfare Act, requires the court a voluntary transfer of custody proceeding to appoint counsel for an indigent parent or custodian of an Indian child.

Present law provides a form for the voluntary transfer of custody. New law adds to this form a question regarding if a child is an Indian child for the purposes of complying with the federal Indian Child Welfare Act.

(Amends Ch.C. Arts. 612, 624, 634, 749, 1019, 1515, and 1122; Adds Ch.C. Arts. 103.1, 116(6.1) and (6.2), 624(H), 624.1, 661.1, 767.1, 767.2, 1034.1, 1034.2, 1515(A)(8) and (C) and 1518(C); Provides Comments to Ch.C. Art. 680)

Confidentiality of Child Abuse or Neglect Reports (Act 556)

Old law required records of child abuse or neglect to be confidential, but permitted the La. Dept. of Children and Family Services to promulgate rules regarding the release of such information in the central registry.

New law removes the language requiring the La. Dept. of Children and Family Services to promulgate rules regarding the release of child abuse or neglect reports in the central registry.

New law incorporates changes to present law proposed by Act No. 348 of the 2017 R.S. regarding the confidentiality of the identity of an alleged perpetrator of child abuse or neglect.

New law adds that the La. Dept. of Children and Family Services is required to provide otherwise confidential information to the court or district attorney's office when necessary for the court to protect a child from abuse or neglect.

New law adds that the La. Dept of Children and Family Services is required to provide otherwise confidential informational involving open or completed investigations of child abuse or neglect to other states' child welfare agencies upon written request when requests are made pursuant to ongoing investigations.

(Amends Ch.C. Art. 616(B); Repeals Ch.C. Art. 616(B) as amended and reenacted by Act No. 348 of the 2017 R.S.)

Placement of Children in State Custody (Act 189)

Present law provides that the Dept. of Children and Family Services has sole authority over the placement of children within its custody.

New law adds that upon motion of the court, for good cause shown, a contradictory hearing shall be held and thereafter, the presiding judge shall have the authority to disapprove a placement chosen by the department if it is in the best interest of the child.

(Amends Ch.C. Art. 672(A))

Definition of "Child" (Act 654)

Prior law provided that, after June 30, 2018, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after July 1, 2018, when the act is not a crime of violence and occurs before the person attains 18 years of age.

New law revises prior law and provides that beginning March 1, 2019, "child" means any person under the age of 21, including an emancipated minor, who commits a delinquent act on or after March 1, 2019, when the act is not a crime of violence and occurs before the person attains 18 years of age.

Effective upon signature of the governor (June 1, 2018).

(Amends Ch.C. Art. 804(1)(b))

Non-Violent Child Felons (Act 355)

Present law provides that if a child is adjudicated delinquent for a felony-grade offense that is not a crime of violence and is committed to the custody of the Department of Public Safety and Corrections (DPSC), the total duration of the commitment cannot exceed nine months unless certain conditions are met.

Present law provides that the total duration of a child's commitment can exceed nine months only if:

- (1) The child is brought before the court for a contradictory modification hearing before the end of the initial nine month commitment.
- (2) The court finds by clear and convincing evidence that the continued out-of-home placement is necessary for completion of the child's treatment.

New law requires that the court set the date of the contradictory modification hearing at the time of disposition.

New law changes the court's determination required to extend a child's detention from that continued out-of-home placement is necessary for completion of the child's treatment to that the child's treatment cannot be accessed and completed in a less restrictive setting.

New law applies to the children in the custody of OJJ on August 1, 2018, and if a child in OJJ custody on August 1, 2018, has not had a hearing as required by law, the court shall schedule a hearing no later than September 30, 2018. New law provides that if a child is eligible for a hearing, the hearing shall take place no later than October 30, 2018.

Prior law provided that if a child's commitment is continued beyond 18 months a hearing must occur at least every six months from the date of disposition, and if the court determines extending the out-of-home placement is not necessary to complete treatment, the child must be released.

New law requires that a hearing must occur every six months and on the same date as the child's review hearings if the child's commitment is extended beyond nine months.

New law changes the court's determination required to release a child from that extending the child's out-of-home placement is not necessary to complete treatment to a determination by clear and convincing evidence that the child's treatment cannot be accessed and completed in a less restrictive setting.

Present law requires that if a child is adjudicated delinquent for a felony-grade offense that is not a crime of violence and placed on probation, the duration of the probation cannot exceed 18 months unless the child is brought before the court for a contradictory modification hearing before the lapse of the initial 18 months.

New law requires that the contradictory modification hearing date be set by the court at the time of disposition.

Present law provides that if probation is continued beyond 18 months, a contradictory modification hearing must occur not less than every six months from the disposition.

Present law provides that at such hearing, if the court determines extending the child's probation is not necessary to complete treatment, the child shall be released.

New law provides that the court's determination be made by clear and convincing evidence.

Present law requires that all children in the custody of the office of juvenile justice be transported to the committing court for a review hearing within six months of the child's commitment.

New law requires that the initial review hearing date be set at the time of disposition.

New law applies to children in custody of OJJ on August 1, 2018, and if a child in OJJ custody on August 1, 2018, has not had a hearing as required by law, the court shall schedule a hearing no later than September 30, 2018. New law provides that if a child is eligible for a hearing, the hearing shall take place no later than October 30, 2018.

Effective August 1, 2018.

(Amends Ch.C. Arts. 898 and 906)

Release of Children from Government Custody (Act 321)

New law provides that motions filed by the Dept. of Public Safety and Corrections for the release

of a child from the custody of the department shall be tried contradictorily against the district attorney.

(Amends Ch.C. Art. 911(A))

Return of Foster Child to Parent (Act 237)

Present law, relative to children returning from foster care, provides that lack of parental compliance in a case plan consists of various failures by a parent.

New law adds a parent's failure to provide a negative test result for all synthetic or other controlled dangerous substances, except for any drug for which the parent has lawfully received a prescription, at the completion of a reasonable case plan.

Effective upon signature of governor (May 15, 2018).

(Amends Ch.C. Art. 1036(C))

Safe Haven Law (Act 134)

New law revises definition of "emergency care facility."

New law defines "emergency medical service provider" as a licensed emergency medical service provider, when dispatched as a result of a "911" call from a parent who wishes to relinquish his infant.

New law adds firefighter to the list of persons who may be dispatched in the event a parent communicates via a "911" call that he or she wishes to relinquish an infant but does not have transportation.

Present law lists responsibilities of designated emergency care facilities relative to infant relinquishments. New law applies such responsibilities to emergency medical service providers, fire stations, and law enforcement stations.

Present law provides immunity from civil and criminal liability for representatives and staff of

designated emergency care facilities. New law provides immunity from civil and criminal liability to employees and volunteers of a designated emergency care facility or emergency medical service provider, firefighters, and law enforcement officers.

New law makes technical changes.

(Amends Ch.C. Arts. 1150, 1151, and 1152; Adds Ch. C. Art. 1150)

MULTIPLE CODES AND TITLES

Review of Special Funds and Dedications (Act 612)

Prior law provided for the creation of the Dedicated Fund Review Subcommittee of the Joint Legislative Committee on the Budget (JLCB) to review special funds and dedications in the state treasury. Prior law provided that no later than September 1, 2017, and every two years thereafter the committee shall provide for the dedicated fund review subcommittee.

New law changes the requirement that the subcommittee meet from every two years to every year.

Prior law provided that the division of administration shall establish a procedure to ensure that the activities supported by a special fund are subject to the same level of transparency and accountability as activities supported by the state general fund.

Prior law provided that no later than October 1, 2017, and every two years thereafter, the division of administration shall submit a plan of special funds and dedications to the JLCB that specifies at least 50% of the special dedicated funds in law as of the date of the submission of the plan. The JLCB shall ensure that after two consecutive plans have been approved, all special funds established by law on the date of the submission of the second consecutive plan will have been approved in a plan at least once in the previous four years.

New law changes the time period that all special funds will have been approved in a plan from at least once in the previous four years to once in the previous two years.

Prior law provided that the subcommittee shall meet only on a day in which the JLCB is scheduled to convene. New law removes this provision of prior law.

New law abolishes numerous specified funds in the state treasury.

New law amends numerous specified funds from being dedicated funds in the state treasury to being dedicated accounts in the state treasury.

New law changes the Hunters for the Hungry Account to an escrow fund and changes the Louisiana Economic Development Fund to provide that the monies can be used only for the FastStart Program.

Sections 11 and 25 effective July 1, 2018; Section 23 effective January 1, 2019; Sections 1-10, 12-22, and 24, effective July 1, 2020.

(Amends numerous statutes in numerous titles.)

Child Custody and Visitation (Act 412)

Prior law provided that if parents agree to custody, a court shall award custody in accordance with the parties' agreement or in the best interest of the child. New law retains prior law and provides that R.S. 9:364 may apply in awarding custody.

Prior law provided for factors in determining the best interest of a child. New law retains prior law and adds the following factors in determining the best interest of a child:

- (1) The potential for the child to be abused which shall be the primary consideration.
- (2) The history of substance abuse, violence, and criminal activity of the parties.

- (3) The history of family violence, sexual abuse, or domestic violence of the parties.
- (4) The mental and physical health of each party.
- (5) Willingness and ability to facilitate and encourage a close and continuing relationship with the child, except when objectively substantial evidence has caused a party to have reasonable concerns.

New law provides that, in determining an award of custody or visitation in cases involving a history of family violence, or domestic violence including sexual abuse, the court may consider whether a party has sought relief.

New law provides that the court may only find a history of committing family violence if the court finds that one incident has resulted in serious bodily injury or finds more than one incident of family violence.

New law provides relative to restriction on visitations for a parent who has subjected a child, stepchild or other household member to a history of family violence or has willingly permitted abuse to his or her children or stepchildren despite the ability to prevent it.

New law provides that the court may allow supervised visitations by an abusive parent upon their completion of a court monitored domestic abuse intervention program.

New law provides that the court shall prohibit visitations and contact between a sexually abusive parent and a child, until parent has completed a treatment program designed for sexual abusers since the last incident of domestic violence or family abuse.

Present law provides a presumption that no parent with a history of family violence shall be awarded sole custody or joint custody. New law adds that no parent who has subjected a child, stepchild, or household member to sexual abuse shall have sole custody or joint custody.

Present law provides that the presumption against custody shall be overcome by:

- (1) successfully completing a court monitored domestic abuse intervention program;
- (2) a parent not using alcohol; and
- (3) a parent's participation as custodial parent because of other parent's absence, mental illness, or substance abuse.

New law adds that the presumption shall be overcome by successfully completing a treatment program designed for sexual abusers after the last instance of abuse.

Effective upon signature of the governor (May 23, 2018).

(Amends C.C. Arts. 132, 134, 136(A) and R.S. 9:341 and 364)

Domestic Abuse (Act 264)

Present law provides for the award of punitive damages in a tort action based on acts of domestic abuse and provides consequences if the action brought is frivolous.

New law clarifies that the damages and consequences of a frivolous action under present law only relate to tort actions and do not relate to any action in which domestic abuse may be alleged.

Present law authorizes the court to assess attorney fees and costs in a divorce based on domestic abuse and provides that they are the separate obligation of the abuser.

New law adds that an obligation of attorney fees and costs awarded pursuant to a divorce based on domestic violence is a separate obligation.

Present law provides that in any family violence case, all court costs, attorney fees, evaluation fees, and expert witness fees shall be paid by the perpetrator of the family violence.

New law makes the award consistent with the Domestic Abuse Assistance Act by also including costs of enforcement and modification proceedings and costs of appeal.

(Amends C.C. Arts. 2315.8(B) and 2362.1(B), Ch.C. Art. 1570.1(A), R.S. 9:367, and R.S. 46:2136.1(A); Adds R.S. 9:314)

Louisiana Protective Order Registry (Act 679)

Present law requires a sheriff, or a private person, after serving citation or other process, to return a copy to the clerk of court who issued the citation or process.

New law adds that when the citation or other process is an enumerated temporary restraining order or protective order, the sheriff or private person shall transmit proof of service to the Judicial Administrator's Office for entry into the Louisiana Protective Order Registry by the end of the next business day after making service, exclusive of weekends and holidays. The proof of service shall include, at a minimum, the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

Present law requires a law enforcement officer serving a previously issued temporary restraining order or ex parte protective order to note service in the police report in order to be deemed sufficient evidence of service of process.

New law adds to present law and requires the law enforcement officer to transmit proof of service to the Judicial Administrator's Office for entry into the Louisiana Protective Order Registry by the end of the next business day after making service, exclusive of weekends and holidays. The proof of service shall include, at a minimum, the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

(Amends C.C.P. Art. 1292, R.S. 14:79 and R.S. 46:2136.2; Adds C.C.P. Art. 1293(D))

Cancellation or Partial Release of Inferior Inscriptions (Act 452)

Present law provides that the property sold at a sheriff's sale shall be sold with a release of the mortgage of the seizing creditor and inferior mortgages and liens, and the sheriff shall direct the recorder of mortgages to cancel those inscriptions in so far as they affect the property sold.

New law provides for the cancellation or partial release of inferior inscriptions by the clerk of court or proper filing officer, regardless of whether they appeared on the mortgage certificate in the foreclosure proceeding.

New law provides that if the inscription of an inferior mortgage, lien, or privilege encumbering the immovable property sold through a judicial sale is not cancelled as required by C.C.P. Art. 2376, the seizing creditor or its agent may have the inferior mortgage, lien, or privilege cancelled or partially released as to the immovable property sold by recording in the mortgage records of the parish in which the immovable property sold is located an "affidavit to cancel an inferior encumbrance".

New law requires written notice of seizure to the inferior creditor prior to the judicial sale.

New law provides that an affidavit executed by a seizing creditor or its agent to cancel or partially release an inferior mortgage, lien, or privilege shall include various specified information.

New law requires the clerk of court to cancel or partially release the inferior mortgage, lien, or privilege upon the recordation of an affidavit that is in compliance with new law.

New law provides that the cancellation of a mortgage, lien, or privilege shall have no effect if the mortgage, lien, or privilege is actually superior to the seizing creditor's foreclosed mortgage, lien, or privilege.

New law requires that any party recording an affidavit pursuant to new law shall be subject to

the liability requirements and standards of present law.

New law excepts utility servitudes from new law.

(Amends C.C.P. Art. 2376; Adds R.S. 13:4368)

Formerly Insane Persons and Guns (Act 532)

Present law provides that when the superintendent of a mental institution is of the opinion that a person committed can be discharged or can be released on probation, without danger to others or to himself, he is to recommend the discharge or release of the person in a report to a review panel, comprised of the person's treating physician, the clinical director of the facility to which the person is committed, and a physician, medical psychologist, or psychologist who served on the sanity commission that recommended commitment of the person.

New law adds that a recommendation that the person be discharged or released on probation requires a unanimous vote of the panel. New law provides that the panel must render specific findings of fact in support of its recommendation.

Prior law required each district clerk of court and each city and parish clerk of court to report to the Supreme Court for reporting to the National Instant Criminal Background Check System (NICS) the name and other identifying information of any adult who is prohibited from possessing a firearm pursuant to federal or state laws, by reason of a conviction or adjudication in a court within their respective jurisdictions for any of various listed grounds.

New law provides that a person who has been adjudicated as a mental defective or committed to a mental institution and is therefore, pursuant to federal law, prohibited from receiving or possessing a firearm or ammunition or, pursuant to state law, is ineligible to possess a firearm or obtain a concealed handgun permit, may petition the court for restoration of his firearm rights pursuant to prior law.

Present law provides the procedure by which a person who is prohibited from possessing a firearm or is ineligible to be issued a concealed handgun permit pursuant to present federal law may, upon release from involuntary commitment, file a civil petition seeking judgment ordering the removal of that prohibition.

New law expands its application to authorize persons who have been found not guilty by reason of insanity for any felony to file the same petition if at least ten years have passed since the person was discharged from probation or custody, or discharged from a mental institution, by a court of competent jurisdiction. New law excludes from application of any person on conditional release or conditional discharge under the provisions of prior law, or a person who has been convicted or found not guilty by reason of insanity of any felony enumerated in prior law in the ten years prior to the filing of the petition.

Present law provides that it is unlawful for any person who has been convicted of a crime of violence that is a felony, or certain other enumerated prior law crimes, or any crime defined as a sex offense, or any crime defined as an attempt to commit one of the enumerated prior law offenses, or who has been convicted under the laws of any other state or the U.S. or any foreign government or country of a crime that, if committed in this state, would be one of these enumerated prior law crimes, to possess a firearm or carry a concealed weapon.

New law makes law applicable to persons found not guilty by reason of insanity of any of the crimes provided for in the law.

Present law provides that law prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of certain felonies does not apply to any person who has not been convicted of any felony for a period of 10 years from the date of completion of sentence, probation, parole, or suspension of sentence.

New law adds that the 10-year "cleansing period" contained in present law applies to persons found not guilty by reason of insanity.

Effective August 1, 2018.

(Amends C.Cr.P. Art. 655, R.S. 13:753, R.S. 14:95.1, and R.S. 28:57)

Warrantless Searches of Probationer's Residence (Act 351)

Present law provides that when the court places a defendant on probation, it is to require the defendant to refrain from criminal conduct and to pay a supervision fee, and it may impose any specific conditions reasonably related to his rehabilitation, including that the defendant agrees to searches of his person, his property, his place of residence, his vehicle, or his personal effects, or any or all of them, at any time, by the probation officer or the parole officer assigned to him, with or without a warrant of arrest or with or without a search warrant, when the probation officer or the parole officer has reasonable suspicion to believe that the person who is on probation is engaged in or has been engaged in criminal activity.

New law provides that these searches may also be conducted by any probation or parole officer who is subsequently assigned or directed by the Department of Public Safety and Corrections (DPS&C) to supervise the person, whether the assignment or directive is temporary or permanent.

Present law provides relative to decisions of the committee on parole and the nature, order, and conditions of parole. Present law provides that one condition that the committee on parole may impose is that the parolee must agree to visits at his residence or place of employment by the probation and parole officer at any time, and to searches of his person, property, residence, or vehicle, when reasonable suspicion exists that criminal activity has been engaged in while on parole.

New law defines "probation and parole officer" as either the probation and parole officer originally assigned to the parolee or any probation and parole officer who is subsequently assigned or directed by DPS&C to supervise the parolee, whether or not such assignment is temporary or permanent.

New law provides that it is intended to legislatively overrule the La. Supreme Court's decision in *State of Louisiana v. Brignac*, 17-448, (La. 10/18/17), 234 So.3d 46, to the extent that the court held that a warrantless search of a probationer's residence violates the provisions of prior law (C.Cr.P. Art. 895(A)(13)(a)) relative to a warrantless search of a probationer's residence when the search is not conducted by the probation officer assigned to the probationer by the Dept. of Public Safety and Corrections. Effective August 1, 2018.

(Amends C.Cr.P. Art. 895(A)(13)(a); adds R.S. 15:574.4.2(I))

Child Support Actions (Act 373)

Prior law, relative to the Dept. of Children and Family Services (DCFS), provided procedures for child support enforcement actions, including provisions for amendments of support payments.

New law revises procedure for commencement of child support actions to be in compliance with federal law, 42 U.S.C. 666, and provides for redirection of support payments.

New law provides that DCFS is authorized to receive and disburse support payments made on behalf of each child who is a recipient of public assistance, and is authorized to administratively change the payee of a support order to the department.

New law provides that DCFS shall give notice of such change to the obligee and the obligor and shall file a copy of such notice with the court by which the order was issued or last registered.

Prior law provided that in cases receiving support enforcement services from DCFS, upon motion of the district attorney or the department, a support order shall be transferred to the appropriate court which was enforcing the support order prior to its transfer to the department. New law repeals prior law.

Prior law provided that for support orders no longer receiving support enforcement services from the department, upon motion of an

interested party, a support order amended to change the payee to the individual or current caretaker in accordance with prior law shall be transferred to the district or family court in the same parish as the juvenile court transferring the order. New law removes "amended to change the payee to the individual or current caretaker in accordance with" prior law.

Effective October 1, 2018.

(Amends Ch.C. Art. 313(B) and R.S. 46:236.2)

Adoption Expenses (Act 562)

Present law provides that following the surrender of a child for adoption, the adoptive parents are required to file the authentic act of surrender and a certification or court order for adoption. New law additionally requires the filing of a preliminary estimate and accounting of fees and charges related to the adoption.

Present law provides for the allowable expenses to be paid by the prospective adoptive parents. New law requires the payment of expenses to be through DCFS, an adoption agency, or an adoption attorney, and narrows the allowable expenses from reasonable to actual expenses.

New law limits living expenses to the amount needed to maintain an adequate standard of living and includes an illustrative list of the types of living expenses.

New law provides that allowable living expenses shall not include vehicles, salary or wages, recreation or leisure activities, permanent housing, gifts, or other payments for the monetary gain of the mother and limits the allowable living expenses to \$7,500.

New law authorizes the court to approve additional expenses upon a finding that the expense is reasonable and necessary.

New law provides that prospective adoptive parents may seek reimbursement of expenses paid to a mother in anticipation of an adoption if the mother is not pregnant or if she is accepting

payments from more than one prospective adoptive parent.

Present law requires the filing of an adoption disclosure affidavit of all fees and charges paid. New law retains present law but requires the inclusion of receipts, the name and address of each recipient, the purpose of the payment, and the amount and date it was made. New law also specifically lists utilities, which are allowable living expenses.

New law requires the affiant to certify that they understand that in accordance with R.S. 14:286, making a false statement in any adoption disclosure affidavit with the intent to deceive and with knowledge that the statement is false is punishable by a fine of up to \$50,000 or imprisonment with or without hard labor for not more than 10 years, or both.

Present law provides that it is unlawful to sell a child, receive anything of value for the procurement of a child, or make certain unapproved disbursements in connection with an adoption. Present law includes a list of allowable expenses.

New law clarifies the elements of the crime of the sale of minor children and adds that it shall be unlawful to make false statements on an adoption disclosure affidavit.

New law deletes the list of allowable expenses with a reference to the same list provided in the Children's Code.

(Amends Ch.C. Arts. 1131(A), 1200, 1201, 1223, and 1223.1 and R.S. 14:286)

Health and Welfare Technical Corrections (Act 206)

New law makes numerous technical corrections relative to behavioral health, mental health, human services, administration of the La. Department of Health, administration of the Department of Children and Family Services, health professions and occupations, boards and commissions, public health, health care, food and

drugs, public welfare and assistance, and child welfare.

New law makes numerous corrective changes, including corrections in legal citations and in names of assistance programs, publications, agencies, boards, commissions, offices and officers of departments, and other entities.

New law removes references to agencies, offices, divisions, and programs that have been repealed or no longer exist.

New law provides for the proper designation of undesignated provisions of present law.

New law corrects the following obsolete references:

- (a) The U.S. Department of Health, Education, and Welfare (now the U.S. Department of Health and Human Services).
- (b) The Health Care Financing Administration (now the Centers for Medicare and Medicaid Services).
- (c) The Food Stamp Program (now the Supplemental Nutrition Assistance Program).
- (d) The Aid to Families with Dependent Children program (now the Temporary Assistance for Needy Families program).
- (e) The La. Department of Health and Human Resources (now the La. Department of Health and the La. Department of Children and Family Services).
- (f) The La. Department of Social Services (now the La. Department of Children and Family Services).
- (g) The La. Department of Health and Hospitals (now the La. Department of Health, referred to hereafter as "LDH").

(h) The office of family security, with respect to administration of the Medicaid program (now the LDH bureau of health services financing).

(i) The office of health services and environmental quality (now the LDH office of public health).

(j) The bureau of women (now the LDH bureau of family health).

(k) The La. Board of Wholesale Drug Distributors (now the La. Board of Drug and Device Distributors).

(Amends numerous provisions in Titles 28, 36, 37, 40, and 46).

Restitution; Probation (Act 668)

Prior law provided that, beginning August 1, 2018, prior to ordering the imposition of any financial obligation, the court shall determine whether payment in full of the aggregate amount of all the financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

New law provides that if, at termination or end of a suspension term, any court ordered restitution remains outstanding, the unpaid balance is to be reduced to a civil money judgment in favor of the person owed restitution which may be enforced as provided for execution of judgments. New law requires the clerk to send notice of this judgment to the last known address of the person to whom restitution is ordered to be paid.

In addition, new law provides that these provisions of prior and new law are effective August 1, 2019.

Prior law prohibited the court from extending the period of probation for the purpose of collecting any unpaid court costs, fines, costs of prosecution, and other monetary costs associated with probation. If there is unpaid victim restitution, prior law authorized the court to extend probation one time and only by a period of six months for the purpose of monitoring

collection of unpaid victim restitution if the court finds on the record by clear and convincing evidence that the court's temporary ongoing monitoring would ensure collection of unpaid restitution more effectively than other collection methods provided in prior law.

New law removes these provisions of prior law and provides that probation shall neither be extended nor revoked based solely upon the defendant's inability to pay fines, fees, or restitution to the victim. New law provides that these provisions of new law are effective August 1, 2019.

Prior law provided that when a defendant is placed on probation for a first, second, or third conviction of a noncapital felony, or for a fourth DWI conviction when certain conditions are met, the period of probation shall be specified and shall not be more than three years.

New law amends prior law to provide that the period of probation shall not be more than three years, except as provided by certain provisions of new law which provide as follows:

New law requires the supervising probation officer to submit to the court a compliance report whenever requested by the court, or when it appears necessary to have the court make a determination with respect to "earned compliance credits", modification of any terms or conditions of probation, termination of probation, revocation of probation, or any other purpose proper under law.

New law provides that, if it is the recommendation of the division of probation and parole that the defendant is in compliance with the conditions of probation, the court shall grant "earned compliance credit" for the time, absent a showing of cause for a denial.

New law authorizes the court to terminate probation at any time as "satisfactorily completed" upon the final determination that the defendant is in compliance with the terms and conditions of probation.

New law provides that if the court determines that the defendant has failed to successfully complete the terms and conditions of probation, the court may extend the probation for a period not to exceed two years, for the purpose of allowing the defendant additional time to complete the terms of probation, additional conditions, the extension of probation, or the revocation of probation.

New law provides that, absent extenuating circumstances, the court shall, within ten days of receipt of the compliance report, make an initial determination as to the issues presented and shall transmit the decision to the probation officer and shall disseminate the decision to the defendant, the division of probation and parole, and the prosecuting agency within 10 days of receipt.

New law provides that the parties shall have 10 days from receipt of the initial determination of the court to seek an expedited contradictory hearing for the purpose of challenging the court's determination. If no challenge is made within 10 days, the court's initial determination shall become final and shall constitute a valid order of the court.

Prior law provided for a system of structured, administrative sanctions that are imposed for technical violations of probation and parole.

With regard to probation, new law removes from prior law:

- (1) The provision which prohibits incarceration for lowest-tier violations, including the first positive drug test and the first or second violation of various conditions.
- (2) The provision which prohibits incarceration for first or second violations of alcohol use or admission, except for defendants convicted of operating a vehicle while intoxicated; defendants convicted of domestic abuse battery committed by one family member or household member against another; defendants convicted of battery by one dating partner against another; or defendants convicted of violation of a

protective order issued against the defendant to protect a family member, household member, or a dating partner.

New law further provides that the prior law requirement that a defendant consent to the imposition of administrative sanctions for probation or parole violations does not apply to the rescinding of earned compliance credits as an administrative sanction.

Present law provides that when a defendant's sentence is suspended and the defendant is placed on probation, if the defendant's probation is subsequently revoked, the defendant shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court.

Prior law contained an exception that in the event of revocation for a defendant placed on probation for the conviction of an offense other than a crime of violence or a sex offense, the defendant shall serve the sentence suspended with credit for time served on probation. New law removes this exception, and instead authorizes the court to determine whether the defendant shall receive such credit.

Prior law provides that any defendant who has been placed on probation by the court for the conviction of an offense that is other than a crime of violence or a sex offense, and who commits a technical violation of his probation as determined by the court, will be required to serve certain specified amounts of time without diminution of sentence. New law adds that for a fourth or subsequent violation the court may order that the probation be revoked, in accordance with certain provisions of prior law.

Prior law provided for a definition of "technical violation" does not include absconding from the jurisdiction of the court by leaving the state without the prior approval of the court or the probation and parole officer.

New law provides that the definition of "technical violation" does not include absconding from the jurisdiction of the court, regardless of whether the defendant does so by leaving the state.

(Amends Sec. 3 of Act 260 of 2017 R.S., R.S. 15:574.6.1(B) and 574.9, C.Cr.P. Art. 894.4 as amended by Act 260 of 2017 R.S., and C.Cr.P. Arts. 875.1, 893, 895.6, 899.2, and 900)

Shoplifting Prevention Programs (Act 61)

New law provides that a merchant who employs at least 25 persons, or an authorized agent or employee of such a merchant who employs at least 25 persons, is not precluded from offering a person suspected of theft the opportunity to complete a pre-arrest theft prevention program in lieu of reporting the offense to law enforcement.

New law authorizes a provider of a theft prevention program to charge a fee of not more than \$500 for participation in the program and prohibits the exclusion of a person otherwise eligible to participate on the basis of the person's race, national origin, religion, sex, or the ability to pay the fee. New law provides that a provider that charges a fee to participate in the program may reduce or waive the fee based upon the inability of a participant to pay.

New law provides that the participant in the program shall not be required to sign an admission of guilt nor sign any binding agreement in connection with participation in the program.

New law provides that an offer by a merchant to a person suspected of a theft of goods to participate in a theft prevention program is not a violation of the present law crime of extortion.

(Amends C.Cr.P. Art. 215(C) and R.S. 14:66(A)(2); Adds C.Cr.P. Art. 215(A)(3))

Louisiana State Racing Commission (Act 575)

New law provides that if the Horsemen's Benevolent and Protective Association and the involved licensed facilities agree, the commission may approve the transfer of slot machine proceeds received for thoroughbred race purses from one licensed eligible facility to another licensed eligible facility to supplement thoroughbred purses at a thoroughbred race meet.

New law provides that the transferred funds must be awarded within one year of the date of transfer.

Prior law, except as to a racing facility in Orleans Parish, provided that the size of the designated gaming area in an eligible facility cannot exceed 15,000 square feet. New law removes the square foot limitation and provides that the gaming area not contain more than 1,632 gaming positions.

New law defines "gaming position" to mean a slot machine seat and that each slot machine seat shall be counted as one position, subject to the rules and regulations of the Louisiana Gaming Control Board.

New law requires the board to specifically provide by rule for the counting of gaming positions for devices and games where seats and spaces are not readily countable.

New law provisions concerning the number of gaming positions and definition of "gaming position" become effective if and when the Act which originated as SB 316 of the 2018 Regular Session becomes law. Other provisions became effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 4:1183, 214.1, and R.S. 27:372; adds R.S. 4:147.1(D) and R.S. 27:372(C))

START K12 Program (Act 687)

Present law creates the La. Student Tuition Assistance and Revenue Trust (START) Program, an education savings program for certain expenses associated with enrolling in an institution of postsecondary education. Present law provides for earnings enhancements (a "state match") on deposits between 2% and 14% annually; such rate depends on the account category and the account owner's income. Present law also exempts a portion of annual deposits from an account owner's state tax.

New law provides for administration by the La. Tuition Trust Authority (LATTA).

New law creates the La. Student Tuition Assistance and Revenue Trust Kindergarten

Through Grade Twelve (START K12) Program, an education savings program similar to the START program except that it is for certain expenses associated with enrolling in grades kindergarten through 12.

New law defines such expenses as tuition in connection with enrollment or attendance at a public or approved nonpublic elementary or secondary school in La., limited to grades kindergarten through 12.

New law limits disbursements of such expenses to a maximum of \$10,000 per tax year, per beneficiary.

New law does not provide a state match or for exemption of a portion of annual deposits from an account owner's state tax table income.

New law prohibits a transfer or rollover from a START account to a START K12 account.

New law provides that the START Program account in the state treasury shall also be for the START K12 program and that appropriations to LATTA shall also be made for purposes of the START K12 program.

New law adds that unclaimed funds in a START K12 account during any five-year period subsequent to the beneficiary's 20th birthday shall be presumed abandoned.

Present law authorizes any employee of the state or a political subdivision in the state to authorize his employer to withhold from his salary amounts for deposit into a START account. New law also grants such employees this authority relative to salary withholdings for deposits to START K12 accounts.

Present law provides a public records exception for all LATTA records indicating the identity of owners and beneficiaries of START education savings accounts and the amounts used or refunded under an account owner's agreement. New law provides an additional public records exception for all such records relative to START K12 accounts.

Present law allows the Dept. of Revenue to furnish a taxpayer's reported federal adjusted gross income to the La. Office of Student Financial Assistance (LOSFA) for purposes of administering the START program and the Taylor Opportunity Program for Students (TOPS). New law also allows this for purposes of determining a beneficiary's eligibility for participation in the START K12 program.

New law allows funds deposited prior to Jan. 1, 2018, to a START account to be disbursed in 2018 to pay tuition at an elementary or secondary school. New law provides that any such disbursement shall not include earnings enhancements or interest thereon, and limits the total amount of disbursements with respect to a beneficiary to \$10,000.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:154, R.S. 17:3129.4, R.S. 44:4.1, and R.S. 47:1508; Adds 17:3100.1-3100.10 and R.S. 42:456.2)

Volunteers (Act 548)

Present law provides a limitation of liability for the National Voluntary Organizations Active in Disaster or its member organizations who gratuitously render disaster relief or recovery services, except for acts involving gross negligence or willful and wanton misconduct.

New law adds a similar limitation of liability applicable to other volunteers.

Present law provides that a firefighter employed by this state shall not be denied leave, work-related benefits, or employment for absenting himself from his employment for the purpose of emergency response.

New law provides that no volunteer firefighter shall be denied leave, work-related benefits, or employment for absenting himself from his public employment for the purpose of emergency response not to exceed five days per declared disaster.

Present law provides for the Emergency Management Assistance Compact which, in part, provides that officers or employees of a state, political subdivision, or local government rendering aid to another state pursuant to the compact shall be considered agents of the requesting state for purpose of liability and immunity.

New law extends the application of present law to registered and credentialed volunteer organizations.

New law authorizes the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to establish a registry of volunteers to be deployed either by GOHSEP or the parish office of homeland security and emergency preparedness. New law authorizes GOHSEP to provide credentials, including identification cards or badges for volunteers.

New law requires, at a minimum, a check of volunteers on the state sex offender and child predator registry. A federal and state background check may be required in some circumstances, depending upon the mission of the volunteer. New law requires the costs of the background check to be paid by the volunteer or his affiliated agency.

New law provides that registered and credentialed volunteers shall be treated as unpaid agents of the state or parish when acting in the course and scope of their deployment. New law requires them to make every effort when deployed to coordinate with local officials, and allows them to receive certain commodities at the discretion of the director of GOHSEP.

New law provides that GOHSEP may coordinate the sharing of equipment between public and private entities to meet the needs of an emergency or disaster.

(Amends R.S. 9:2793.8, R.S. 23:893, R.S. 29:733, and R.S. 33:4712.18; Adds R.S. 29:735.4 and R.S. 42:1102(18)(b)(iii))

Entities and Business Marks (Act 560)

New law adds that if the name of a partnership or an L.L.C. denotes a financial institution, an engineer or surveyor professional, or an architect or other derivative of the professions, the partnership or L.L.C. is required to have written a letter to the respective board or office notifying the board or office of the name and have evidence that the notice of proposed use was delivered and that the time period has lapsed for objection to the proposed use of the name.

Old law provided passive language regarding the makeup and characteristics of corporate names.

New law clarifies that a corporate name shall contain the word "corporation", "incorporated", "company", "limited", "corp.", "inc.", "co.", or "Ltd."

Present law requires that, unless authorized by the other registrant in writing or granted to the applicant by court order, an applicant must use a distinguishable name. New law clarifies that the applicant shall use a name distinguishable upon the records of the secretary of state, unless meeting an exception.

New law requires that the corporate name not contain any words or phrases that consist of immoral, deceptive, or scandalous matter.

New law allows shareholders to include a provision to eliminate or limit personal liability of a director or officer for damages for a breach of fiduciary duty, except as it applies to loyalty to the corporation or acts or omissions not in good faith or intentional misconduct.

New law allows provisions in articles of incorporation that permit provisions for dividends and property or share dividends, among other financial benefits.

New law prohibits a limited liability company name from containing the word "insurance" unless the limited liability company is an independent insurance agency or brokerage firm.

Present law allows a domestic or foreign limited liability company to file for conversion with the secretary of state. New law adds that if the company is manager managed, the manager shall execute the written request for conversion and if the company is member-managed, a member shall execute the request.

Present law provides that after the approval of the commissioner, articles showing the approval shall be filed with the secretary of state. Old law provided for an initial and subsequent report. New law deletes the provisions related to the initial and subsequent report.

New law provides that after all fees have been paid, the secretary of state shall record the articles as filed on the date and time of receipt, and that after filing the articles, he shall deliver a copy of the document with acknowledgments to the corporation.

Old law required a post office address of a company's registered office. New law requires a street address.

Present law provides for the filing fee of \$75 and the recording of various corporate documents. New law adds for recordation of abandonment proceedings and simplified articles of termination.

New law raises the filing fee from \$25 to \$30 for annual reports for partnerships.

Present law provides for a \$75 cost for registering, renewing, or terminating a trade name, trademark, or service mark. New law adds assigning to the list.

New law provides a \$600 fee for filing applications for home service contract provider applications and a \$250 fee for filing renewals.

Present law provides for the registration of a mark by which the goods or services of any applicant can be distinguished from another. New law adds a name to the possibilities of registration, along with or instead of a mark.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:3403 and 3433, R.S. 12:1-202, 1-401, 1-1444, 203 204, 303, 304, 312.1, 1306, 1308.3, 1344, 1345, and 1811, R.S. 22:62, 232.2, 243, R.S. 49:222 and R.S. 51:212 and 3143; Adds R.S. 49:222(B)(14); Repeals R.S. 3:85(C) and 148, and R.S. 49:222(5)(f)-(h))

Military Service Relief Act (Act 225)

New law updates certain provisions related to creditable service in public retirement systems to comply with federal law, including the Uniformed Services Employment and Reemployment Rights Act (USERRA).

New law also updates provisions related to the time periods used to compute average compensation.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 11:142, 152, and 153 and R.S. 29:411, 412, 414, and 415; adds R.S. 11:152.1)

FRS-Investment Consultants and Money Managers (Act 115)

Present law requires fiduciaries of the state and statewide retirement systems to act with the care, skill, prudence, and diligence under the circumstances prevailing as would a prudent institutional investor acting in a like capacity and familiar with the like aims (prudent-man rule). Present law further requires fiduciaries to take certain factors into consideration when contemplating an investment action or asset allocation.

New law expressly makes investment consultants and money managers fiduciaries of FRS, subject to the prudent-man rule. New law requires these fiduciaries to agree to the exclusive, original jurisdiction of the 19th Judicial District Court of La. for any proceeding involving their fiduciary duty and requires that such suit may not be removed to federal court without the FRS board's written consent. New law provides that any such

suit is subject to liberative prescription of 10 years.

New law requires that a civil suit filed by FRS suspend prescription for the institution of criminal prosecution for charges based on the misappropriation of money or thing of value, theft or fraud relative thereto, or a charge of false accounting arising from the same facts and circumstances as the civil suit until the date a final, nonappealable judgment is rendered in the civil suit. New law provides that the time limitations provided by new law for prosecution of these crimes shall not commence to run until the crime is discovered by FRS.

New law requires investment consultants and money managers to disclose in any communication with a FRS trustee or employee any proceeding relative to the management of funds or assets or investment advice or services in which such person was or is a deponent, witness, named party, or employee of a named party. Failure to do so results in nullification of any contract or agreement with the person.

(Adds R.S. 11:2261.1 and C.Cr.P. Art. 573.3 and 575.1)

Abortion (Act 468)

New law adds that, relative to the crime of abortion, it is unlawful for a physician to perform an abortion after 15 weeks gestational age.

New law provides that, relative to the crime of abortion, new law will become effective upon final decision of the United States Court of Appeals for the Fifth Circuit upholding the Act that originated as House Bill 1510 of the 2018 Regular Session of the Mississippi Legislature, which decision would thereby provide the authority for a state within the jurisdiction of that court of appeals to restrict abortion past 15 weeks of gestational age.

New law provides that certain provisions are repealed in favor of the provisions of R.S. 40:1061, immediately upon and to the extent that the U.S. Supreme Court upholds the authority of states to prohibit elective abortions on demand, or

upon the adoption of an amendment to the U.S. Constitution that would restore the state's authority to prohibit elective abortions.

New law provides that persons violating prohibitions against abortion be prosecuted pursuant to the effective provisions of R.S. 14:87 and be subject to the penalties provided in R.S. 40:1061.29.

Effective upon signature of governor (May 23, 2018).

(Amends R.S. 14:87 and R.S. 40:1061(D))

Guns and Concealed Weapons (Act 367)

New law prohibits certain persons against whom a protective order is issued from carrying a concealed weapon for the duration of the injunction or protective order.

New law includes in the crime of violation of a protective order, the possession of a firearm, carrying of a concealed weapon, and the purchase or attempted purchase of a firearm by a person prohibited from possessing a firearm or carrying a concealed weapon pursuant to a protective order issued against him and in violation of certain domestic violence crimes.

New law changes the imprisonment penalty for fraudulent purchase of a firearm or ammunition to imprisonment for not more than 20 years without the benefit of probation, parole, or suspension of sentence.

New law creates the crime of illegal transfer of a firearm to a prohibited possessor as the intentional giving, selling, donating, lending, delivering, or otherwise transferring a firearm to any person known to the offender to be a person prohibited from possessing a firearm under state or federal law. New law provides for a fine of not more than \$2,500 or imprisonment for not more than one year, or both, for violations.

New law provides that if a person is reported ineligible by a background check while attempting to purchase a firearm, the licensed dealer must report the attempted purchaser to the

sheriff and to the Louisiana Automated Victim Notification System.

New law requires any law enforcement agency to report a licensed firearm dealer to all licensing agencies of the dealer if law enforcement learns that a dealer knew or should have known that a person was prohibited from possessing a firearm and the licensed dealer failed to notify the sheriff.

New law creates the crime of illegal transfer of a firearm to a prohibited possessor and provides that persons convicted of the offense may be fined not more than \$2,500, imprisoned for not more than one year, or both.

New law provides that the penalties for possession of a firearm or carrying of a concealed weapon by a person convicted of domestic abuse battery and certain offenses of battery of a dating partner is imprisonment, with or without hard labor, for not less than one year nor more than 20 years without the benefit of probation, parole, or suspension of sentence, and a fine of not less than \$1,000 nor more than \$5,000.

New law prohibits a person against whom a protective order or permanent injunction is issued from carrying a concealed weapon.

New law provides that upon a conviction of certain domestic violence offenses or a permanent injunction or protective order issued against a person, the court shall suspend his concealed handgun permit and shall order the person to transfer all firearms in his possession.

New law provides that the order to transfer firearms and suspend a concealed handgun permit is to be issued by the court at the time of conviction or at the same time the court issues a permanent injunction or protective order against a person.

At the same time an order to prohibit a person from possessing a firearm or carrying a concealed weapon is issued, new law requires the court to cause all of the following to occur:

- (1) Require the person to state in open court or complete an affidavit stating the

number of firearms in his possession and the location of all firearms in his possession.

- (2) Require the person to complete a firearm information form that states the number of firearms in the person's possession, the serial number of each firearm, and the location of each firearm.
- (3) Transmit a copy of the order to transfer firearms and a copy of the firearm information form to the sheriff of the parish or the sheriff of the parish of the person's residence.

New law requires the court, in open court and on the record, to order the person to transfer all firearms to the sheriff no later than 48 hours after the order is issued. New law requires a copy of the order and a copy of the firearm information form to be sent to the sheriff. New law provides if a person is incarcerated at the time the order is issued he must transfer his firearms no later than 48 hours after his release, exclusive of legal holidays.

New law requires the sheriff and the person transferring firearms to complete a proof of transfer form at the time a person transfers his firearms. This form shall not contain the quantity of firearms transferred or any identifying information about such firearms. The sheriff must retain a copy and provide the person with a copy. Within five days of transferring his firearm, the person is to file a proof of transfer form with the clerk of court of the parish in which the order was issued.

New law provides for completion of a nonpossession form by one who is the subject of an order to transfer firearms and suspension of a concealed handgun permit but who does not possess or own a firearm at the time the order is issued.

New law requires persons ordered to transfer firearms to file the proof of transfer form or declaration of nonpossession with the clerk of court in the parish in which the order was issued

within five days of a conviction of order issued against him.

New law provides that the sheriff of each parish is responsible for oversight of firearm transfers in his parish and requires certain options be offered by the sheriff to the transferor of the firearms.

New law requires the sheriff to prepare a receipt for each firearm transferred and to provide a copy to the person transferring the firearm. New law provides that the sheriff may require receipt be presented before returning a firearm.

New law authorizes transfer or storage of a transferred firearm to a third party who completes a firearm acknowledgment form that informs the third party of the relevant state and federal laws and lists the consequences of noncompliance. New law prohibits transfer of the firearm to a third party living in the same residence as the transferor at the time of the transfer. New law requires that the sheriff advise the third party that return of the firearm to the person before the person is able to lawfully possess the firearms may result in the third party being charged with a crime.

New law requires the sheriff to keep records of all firearms transferred to his office.

New law provides that the sheriff shall exercise due care to preserve the quality and function of transferred firearms, but will not be responsible for damage except in cases of willful or wanton misconduct or gross negligence.

New law authorizes a person to file a motion with the court seeking an order for the return of the transferred firearm, if the person is no longer prohibited from possessing a firearm.

New law provides for a court to issue an order for the return of a firearm upon a determination that the person is no longer prohibited from possessing a firearm. New law requires the sheriff to destroy the records pertaining to the returned firearm and instruct the clerk of court to destroy the pertinent records.

New law provides that the sheriff is not liable for damage caused by the third party to whom the firearm was transferred.

New law directs the sheriff, clerk of court, and district attorney of each parish to develop forms, policies, and procedures necessary to implement the provisions of new law no later than January 1, 2019.

Effective October 1, 2018.

(Amends R.S. 14:95.1.3, 95.10(B), and R.S. 46:2136.3; Adds R.S. 14:79(A)(4) and 95.1.4, and C.Cr.P. Arts. 1000-1003; Repeals R.S. 46:2137)

Concealed Handguns and Schools (Act 629)

Present law provides that a concealed handgun permit does not authorize nor entitle the permit holder to carry a concealed handgun in certain places, including into a school, school campus, or a school bus.

New law repeals this present law exception relative to schools, school campuses, or school buses, but provides that if the concealed handgun permittee is a teacher, administrator, or employee of any school acting within the course and scope of his employment, or is a student of any school, the law shall not be construed to authorize the teacher, administrator, employee, or student of the school to carry a concealed handgun into any school, school campus, or school bus unless specifically authorized to do so by law.

Nothing in new law limits the authority of a school board or a school to prohibit a person from carrying a firearm, or to regulate the carrying of a firearm, in certain venues or facilities within the school district or an individual school unless the person is otherwise authorized to do so by law.

New law provides that a school board or school shall be absolutely immune from claims for monetary damages arising from or related to a visitor's use or failure to use a firearm.

Present law provides for a crime which prohibits the carrying of a firearm or dangerous weapon by

a student or nonstudent on school property, at school-sponsored functions, or in a firearm free zone, with specific exceptions.

New law adds an exception for any person who has a valid concealed handgun permit who carries a concealed handgun in accordance with the provisions of new law.

(Adds R.S. 14:95.2(C)(9) and R.S. 40:1379.3)

Punishment of Children for Certain Crimes (Act 467)

Prior law provided that upon commitment of a juvenile, the Department of Public Safety and Corrections (DPS&C) has sole custody of the child and the child's care, placement, and treatment.

Prior law required that DPS&C comply with any modifications made to a child's disposition while in its custody and prohibits DPS&C from modifying the dispositions of juveniles adjudicated for first degree murder, second degree murder, first degree rape, aggravated kidnaping, or armed robbery.

New law retains prior law compliance requirements, but allows modification of dispositions for first degree rape, aggravated kidnaping, and armed robbery.

Prior law provided that public policy of the state is that commitment of a juvenile to DPS&C is not punitive nor a penal sentence, but a step toward rehabilitation, and recommendations from DPS&C should be given careful consideration by the court.

Prior law provided that in cases involving certain felony-grade delinquent acts, the public policy of the state is that commitment of a juvenile to DPS&C without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence is necessary because of the serious nature of the offenses.

New law retains prior law and adds that the goal of confinement is rehabilitative.

Prior law provided that a child 14 years of age or older adjudicated for first degree murder, second degree murder, first degree rape, or aggravated kidnaping shall be committed to DPS&C in secure placement until reaching the age of 21 without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

New law removes from the application of current law a child adjudicated for first degree rape and aggravated kidnaping, but provides that the child shall be committed to DPS&C in secure placement until reaching the age of 21 with eligibility for parole or modification of sentence, but without benefit of probation or suspension of imposition or execution of sentence.

Prior law provided that a child 14 years or age or older adjudicated for armed robbery shall be committed to DPS&C in secure placement for the length of the term imposed by the court at the disposition hearing, without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

New law provides that such a child shall be committed to DPS&C in secure placement with eligibility for parole or modification of sentence, but without benefit of probation or suspension of imposition or execution of sentence.

New law provides that a child in secure care for an adjudication for first degree rape or kidnaping shall be eligible for modification after serving 36 months of the disposition and provides that a child in secure care for an adjudication for armed robbery shall be eligible for modification after serving 36 months of the disposition or, if the disposition is less than 36 months, two-thirds of the disposition.

New law requires motions for modification of disposition to be filed pursuant to prior law procedures and requires a contradictory hearing to be set no sooner than 30 days from the date of notice to the district attorney.

New law provides that to grant a motion for modification of disposition, the court must find that the child poses a reduced risk to the

community based on all of the following considerations:

- (1) The most recent risk assessment conducted by the office of juvenile justice.
- (2) The recommendation of the office of juvenile justice.
- (3) A reentry plan that includes an appropriate placement to conduct supervision and achieve aftercare goals.
- (4) Any additional evidence provided by the child, the state, or the office of juvenile justice.

New law provides that the provisions of new law regarding disposition after adjudication of certain felony-grade offenses shall apply to all children in the custody of DPS&C on or after August 1, 2018.

New law provides that certain provisions of prior law regarding custody and disposition determinations do not apply for adjudications for first or second degree murder, first degree rape, aggravated kidnaping, and armed robbery. In such cases, custody and disposition determinations are made pursuant to the provisions of prior law specific to these offenses.

Effective August 1, 2018.

(Amends R.S. 15:901 and 906, Ch.C. Arts. 116, 801, 897.1, 901 and 910)

Hazing (Act 635)

Present law provides that hazing in any form, or the use of any method of initiation into fraternal organizations in any educational institution supported wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution, is prohibited.

New law expands the law to apply to any organization in an education institution, and to remove the fine and term of imprisonment as

consequences for engaging in this activity and provide that the student shall be dismissed, suspended, or expelled from the education institution for at least one semester, quarter, or comparable academic period.

New law prohibits any person from committing an act of hazing, regardless of whether the person voluntarily allowed himself to be hazed or consented to the hazing. New law provides for specified penalties.

New law provides that if any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization of which any of the underlying organization is a sanctioned or recognized member, at the time of the hazing, knew and failed to report to law enforcement that one or more of the organization's members were engaging in or participating in the hazing of another person, the organization may be subject to specified penalties

New law authorizes the national or parent organization to conduct a timely and efficient investigation, of not longer than 14 days, to determine the veracity of an allegation of hazing prior to reporting the hazing to law enforcement.

New law defines "hazing" as any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

- (1) The person knew or should have known that the act endangers the physical health or safety of the other person or causes severe emotional distress.
- (2) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

New law provides that "hazing" includes but is not limited to any of the following that is associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

- (1) Physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
- (2) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- (3) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- (4) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

New law provides exceptions for normal physical activity associated with athletics, physical education, military training, or similar programs.

New law also defines "organization" as a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, an elementary or secondary school or a postsecondary education institution in this state, and includes the national or parent organization of which any of these underlying entities is a sanctioned or recognized member at the time of the hazing.

New law provides that the penalties provided by new law do not preclude any civil remedies provided by present law and may be imposed in addition to any penalty that may be imposed for any other present law criminal offense arising from the same incident or activity, and in addition

to any penalty imposed by the organization or educational institution pursuant to its bylaws, rules, or policies regarding hazing.

(Amends R.S. 17:1801; Adds 14:40.8)

Vehicle Breakdown Insurance and Home Service Contracts (Act 592)

Present law permits each vehicle mechanical breakdown insurer to also act as a reinsurer in accordance with regulations adopted by the commissioner of insurance. Present law requires all reserves for credit disability insurance to be retained and held by the credit disability insurer.

New law adds that a vehicle mechanical breakdown insurer shall be allowed credit for reinsurance ceded to an assuming insurer that satisfies the requirements of law.

Present law provides for the regulation of home service contracts by the secretary of state.

New law moves the regulation of motor vehicle service contract providers from the Dept. of Insurance to the secretary of state.

New law changes all references of "home service contracts" to "service contracts".

Old law exempted contracts sold or offered for sale on a single new item of property at the time of the sale of the property, or within one year of the date of the sale, which guarantee the performance of the service, repair, replacement, or maintenance of the property or guarantee to indemnify for the service, repair, replacement, or maintenance of a single item of residential property.

New law repeals old law and adds exemptions for:

- (1) A service contract sold or offered for sale on a single item of property sold at the time of sale of the property or within a year of the date of sale.
- (2) A vehicle mechanical breakdown insurance policy or vehicle component

coverage contract offered by a vehicle mechanical breakdown insurer.

- (3) Tire and wheel coverage sold by a retailer as a part of a service package in concert with the sale of one or more tires or one or more wheels.

New law adds a requirement that each service contract that covers motor vehicles or their component parts be insured under a reimbursement insurance policy issued by an insurer licensed, registered, or otherwise authorized to transact the business of insurance in this state.

New law requires the provider to file with the secretary of state a copy of the reimbursement insurance policy issued to the provider.

New law requires the issuer of the reimbursement insurance policy to either:

- (1) Maintain surplus as to policyholders and paid-in capital of at least \$15,000,000.
- (2) Maintain surplus as to policyholders and paid-in capital of less than \$15,000,000 but at least equal to \$10,000,000 and maintain a ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one.

New law requires an insurer issuing a reimbursement insurance policy to a provider to:

- (1) Be deemed to have received the premium for the insurance upon the payment of the provider fee by a consumer for a service contract issued by an insured provider.
- (2) Provide reimbursement to, or payment on behalf of, the provider under the terms of the insured service contracts issued or sold by the provider or, in the event of the provider's nonperformance, provide or pay for, on behalf of the provider, all covered contractual obligations incurred by the provider under the terms of the

insured service contracts issued or sold by the provider.

- (3) Accept a claim arising under the contract directly from a contract holder, if the provider does not comply with any contractual obligation pursuant to the contract within 60 days of presentation of a valid claim by the contract holder.
- (4) Terminate or not renew the policy covering service contracts issued in this state only after a notice of termination or nonrenewal is presented to the secretary of state and commissioner of insurance, at least 10 days prior to the termination or nonrenewal of the policy.

New law adds a requirement that service contracts insured under a reimbursement insurance policy contain a statement that the service contract is insured under a service contract reimbursement insurance policy and state the name and address of the insurer.

New law requires a motor vehicle service contract to contain a statement that the service contract is not insurance and is not regulated by the Dept. of Insurance.

New law prohibits an insurer that issues a reimbursement insurance policy from terminating the policy until a notice of termination has been mailed or delivered to the secretary of state.

New law provides that the termination of a reimbursement insurance policy does not reduce the insurer's responsibility for service contracts issued by an insured provider prior to the date of the termination.

(Amends R.S. 22:361 and 362 and R.S. 51:3141-3146)

Mammography Examinations (Act 494)

New law defines "digital breast tomosynthesis" as a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three dimensional images of the breast.

Present law requires any health coverage plan which is delivered or issued for delivery in this state to include benefits payable for a minimum mammography examination performed no less frequently than a specified schedule.

New law authorizes the mammography examination to be conducted through digital breast tomosynthesis.

Present law requires the Breast Cancer Control Program within the Women's Health Program of the La. Dept. of Health to provide mammography examinations routinely according to age requirements established by department regulations, or performed no less frequently than required by a treating physician. New law authorizes the mammography examinations to be conducted through digital breast tomosynthesis.

Present law requires the La. Dept. of Health, office of public health to provide a special program of preventive, health, and medical care for women, who otherwise qualify by law, that concentrates on cancer prevention in women, including a minimum mammography examination performed no less frequently than a specified schedule.

New law authorizes the mammography examination to be conducted through digital breast tomosynthesis.

New law requires the minimum mammography examination for women age 40 or older provided for in new law to be a covered service in the Louisiana Medicaid program.

New law applies to any new policy, contract, program, or health coverage plan issued on and after Jan. 1, 2019. Any policy, contract, or health coverage plan in effect prior to Jan. 1, 2019, shall convert to conform to the provisions of new law on or before the renewal date, but no later than Jan. 1, 2019.

Effective Jan. 1, 2019.

(Amends R.S. 22:1028, R.S. 40:1105.13, and R.S. 46:975; Adds R.S. 46:975.1)

Pharmacists Ungagged (Act 317)

New law prohibits pharmacy benefit managers licensed in Louisiana from imposing "gag orders" by contract on pharmacies or pharmacists which prevent them from informing the patient of cheaper alternatives when filling their prescription drug. New law prohibits these provisions in contracts and retroactively makes void any provisions in place on August 1, 2018.

New law authorizes pharmacists to inform patients that a cheaper alternative may be available, including cash payment if a cash payment is cheaper than the patient's insurance copayment or deductible amount. New law provides immunity for a pharmacist who does not provide the information to a patient.

Effective August 1, 2018.

(Amends R.S. 22:1657; adds R.S. 37:1219)

La. Workforce Commission (Act 380)

New law provides for the general re-creation of the La. Workforce Commission and its statutory entities, effective June 30, 2018, in accordance with the "sunset" law. New law makes July 1, 2023, the new termination date and termination would begin July 1, 2022, unless the department is re-created again.

New law provides for the reauthorization of the incumbent worker training program within the La. Workforce Commission until July 1, 2022.

New law changes the names of the officers of the La. Workforce Commission as follows:

- (1) Executive director to secretary.
- (2) Deputy executive director to deputy secretary.
- (3) Chief financial officer to undersecretary.
- (4) Director to assistant secretary.

New law directs the La. State Law Institute to change the names of the officers throughout the statutes as provided in new law.

Effective June 30, 2018.

(Amends R.S. 23:1, 153, 382, 390, 1203.1, 1203.1.1, and 1553, R.S. 36:3, 8, 301, 302, 303, 304, and 305- 307, R.S. 42:1266; adds R.S. 49:191(10)(c); repeals R.S. 36:8(E)(2)(j) and R.S. 49:191(8)(a))

Atchafalaya Basin (Act 570)

New law eliminates the Atchafalaya Basin Research and Promotion Board and transfers the responsibilities of the Atchafalaya Basin Research and Promotion Board and the Atchafalaya Basin Program to the Coastal Protection and Restoration Authority (CPRA).

New law authorizes the CPRA director to appoint a technical advisory group to develop the annual plan.

New law changes the membership of the technical advisory group.

Prior law provided for the capital improvement program and authorized projects. New law removes project listings that have been completed.

Effective July 1, 2018.

(Amends R.S. 36:4, 41:1706 and 1709; adds R.S. 49:214.8.1 - 214.8.17; repeals R.S. 30:2000.1 - 2000.12 and R.S. 36:359(J))

Abortions (Act 498)

Present law provides that no institution, board, commission, department, agency, official, or employee of the state, or of any local political subdivision thereof, shall contract with, award any grant to, or otherwise bestow any funding upon, an entity or organization that performs abortions, or that contracts with an entity or organization that performs abortions, in this state. Present law stipulates that the prohibition shall apply to state funds, federal funds, and any other

funds that may be used for purposes of contracting for services, providing reimbursements, or grant issuance.

New law revises present law by removing references to contracting.

New law revises present law to provide that entities prohibited from receiving certain public funding are those that do any of the following:

- (1) Performs abortions in this state.
- (2) Provides facilities to another healthcare provider, entity, or organization for the purpose of performing abortions in this state.
- (3) Hires or retains another healthcare provider, entity, or organization for the purpose of performing abortions in this state.
- (4) Provides reimbursable Medicaid services in the same physical facility as a licensed outpatient abortion facility.

New law prohibits the La. Department of Health from entering into a Medicaid provider agreement with any entity that is prohibited from receiving certain public funding for abortion related reasons.

New law stipulates that the prohibition on public funding shall apply to state funds, federal funds, and any other public funds for procuring goods or services, or for providing Medicaid services, reimbursements, or grants.

New law provides that the prohibition on public funding new law shall not be construed to prohibit provision of public protections such as fire, police, or emergency medical services, public utilities, or other such services to any entity or organization in the same manner as provided to the general public.

Present law provides that a license issued to an outpatient abortion facility is valid for only one location. New law adds thereto a requirement that each abortion facility's location shall be

physically and financially separate from any facility where publicly funded Medicaid services are provided.

New law provides for redesignation of a chapter of present law comprised of R.S. 36:21 to a chapter comprised of R.S. 49:200.51.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 36:21(B) and R.S. 40:1061.6(A)(2) and 2175.4(B))

Three-Party Acknowledgements of Paternity (Act 21)

New law provides that the husband or former husband of the mother is not presumed to be the father of the child if the mother, presumed father, and biological father execute a three-party acknowledgment regarding the paternity of the child and a DNA test confirms the paternity of a third party. New law provides that the person acknowledging that he is the biological father of the child is presumed to be the father if confirmed by a DNA test and the parties execute a three-party acknowledgment of paternity.

New law provides a ten-year preemptive period from the day of the birth of the child and a one-year preemptive period from the day of the death of the child for the execution of this acknowledgment.

New law provides an exception to the contents of the birth certificate of a child for the surname of a child born to a married mother if the parties have executed a three-party acknowledgment and a DNA test confirms the paternity of the biological father.

New law provides an exception on a birth certificate for the information pertaining to the father of a child born to a married mother if the parties have executed a three-party acknowledgment.

New law provides that the husband or former husband presumed to be the father of a child, the mother, and the biological father may execute a

three-party acknowledgment of paternity. New law directs the state registrar to record the information on the birth certificate of the child.

New law requires the La. Dept. of Health to develop a form for the three-party acknowledgment.

New law provides for the amendment of a birth certificate upon the execution of a three-party acknowledgment. New law directs the state registrar to record the information on the birth certificate of the child.

Old law authorized the amendment of a birth certificate of a child if the husband and the mother lived separate and apart for 180 days prior to conception and did not reconcile and the biological father is someone other than the husband of the mother. New law repeals old law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:34.2, 34.5, and 46.4; Adds C.C. Art. 190.1 and R.S. 40:34.5.1 and 34.5.2; Repeals R.S. 40:46.9)

Government Entities Abolished (Act 661)

New law provides for the abolition of the following boards, commissions, authorities, and like entities:

St. Tammany Event Center District; Louisiana's I-12 Retirement District; Board of Morgan City, Berwick Port Pilot Commissioners and Examiners; Red River, Atchafalaya River, and Bayou Boeuf Gravity Drainage District; Bayou Desiard Lake Restoration Commission; Jackson Parish Industrial District; Point of Rescue Task Force a/k/a Task Force on Abortion Information; River Region Cancer Screening and Early Detection District; Parish Hospital Service District for Rapides Parish; and Louisiana Innovation Council.

Effective August 1, 2018.

(Amends R.S. 47:302.26(C)(4) and R.S. 51:2214(H); repeals R.S. 33:4579-4579.5 and

9039.1-9039.4, R.S. 34:1101-1106, R.S. 36:109(U), R.S. 38:1921 and 3087.301-3087.314, R.S. 39:551.10, R.S. 40:1061.16(F) and 1273.1-1273.8, R.S. 46:1081-1083, R.S. 47:463.67, and R.S. 51:2401)

Professional Licensing Boards (Act 655)

Prior law specified that professional and occupational licensing boards are exempt from the provisions of prior law relative to adjudications by the division of administrative law.

New law allows a person who has a disciplinary action brought against him by the La. State Bd. of Dentistry or the La. Auctioneers Licensing Bd. to elect to have the matter moved to the division of administrative law for a disciplinary adjudication by an administrative law judge.

New law requires that the notification to a person by a specified board of pending disciplinary action against him shall include language advising him that he may elect to have the matter heard by an administrative law judge.

New law provides that the notification from the board to the person shall also advise the person that he has 30 days from receipt of the notification to advise the board, in writing, that he elects to have the matter heard by an administrative law judge.

New law requires a person who receives a notification to advise the board, in writing and within 30 days, that he elects to have the matter heard by an administrative law judge.

New law provides that if a person elects to have his disciplinary hearing before an administrative law judge, the matter shall be subject to the provisions of prior law relative to adjudications by the division of administrative law and the Administrative Procedure Act.

New law provides that each specified licensing board and the division of administrative law may promulgate rules in accordance with the Administrative Procedure Act to implement new law.

New law requires quarterly reports by the specified licensing boards and the division of administrative law to the appropriate legislative oversight committees regarding the hearings held pursuant to new law.

New law requires the appropriate legislative oversight committees to conduct regular meetings concerning the reports and the disciplinary actions and hearings by the licensing boards and to report findings and recommendations to the legislature no later than Jan. 1, 2021.

New law provides that the provisions of new law regarding the option for disciplinary adjudications by an administrative law judge, including the reports to and meetings by the legislative oversight committees, terminate on Aug. 1, 2021.

New law provides that any matter which has been moved to the division of administrative law pursuant to new law shall remain in the division of administrative law until the adjudication is final.

New law provides that any board or commission within Title 37 of the La. Revised Statutes may develop a process to issue a license, permit, or certificate outside the national examination for those individuals with an Americans with Disabilities Act recognized disorder.

New law requires each board or commission authorized to issue a license, permit, or certificate under Title 37 of the La. Revised Statutes to submit quarterly reports to the appropriate legislative oversight committees and to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

New law requires the reports to contain certain information about the complaints received regarding board actions or procedures.

New law provides for confidentiality of information in the quarterly reports and notice to each applicant and licensee about the reporting requirement.

New law exempts the La. State Bar Assoc., its members, or any matter initiated by the La. Attorney Disciplinary Bd. from the provisions of new law.

Effective August 1, 2018.

(Amends R.S. 49:992; adds R.S. 37:21.1, 23.1, and 23.2 and R.S. 49:992.2)

UNCODIFIED

Transfers of State Property (Acts 33, 35, 107, and 473)

Several new laws authorize the transfer of state property to various parties.

Effective upon signature of the governor (May 10, 2018).

Agency Funding (Act 49)

New law provides for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary accounts, or enterprise funds for certain state institutions, officials, and agencies. New law requires the appropriated funds, to the extent deposited, unless otherwise specified, to be used for working capital in the conduct of business enterprises rendering public, auxiliary, and interagency services. New law requires receipts from the conduct of such businesses to be deposited to the credit of each ancillary fund for FY 2018-2019. New law requires all funds to be expended in accordance with public bid laws.

New law requires, except as otherwise provided, any fund equity resulting from prior year operations be included as a resource of the fund from which it is derived. New law provides that all funds on deposit with the state treasury at the close of the fiscal year are authorized to be transferred to each fund as equity for FY 2019-2020. New law provides that all unexpended cash balances as of June 30, 2019, shall be remitted to the state treasurer on or before Aug. 14, 2019. New law provides that if not reestablished in the subsequent year's act, the agency must liquidate

all assets and return all advances no later than Aug. 14, 2019.

New law provides that all money from federal, interagency, statutory dedications, or self-generated revenues of an agency be deemed available for expenditures in the amounts appropriated, and any increase in such revenues over the amounts appropriated shall only be available for expenditure by the agency with approval of the division of administration and the Joint Legislative Committee on the Budget (JLCB).

New law provides that the number of employees approved for each agency may be increased by the commissioner of administration, subject to JLCB approval, when appropriate documentation is deemed valid.

New law requires any agency with an appropriation level of \$30 million or more to include positions within its table of organization which perform internal auditing services.

New law directs the commissioner of administration to adjust performance objectives and indicators contained in the Executive Budget Supporting Document to reflect the funds appropriated and to report such adjustments to the JLCB by Aug. 15, 2018.

New law provides that the treasurer shall invest excess cash funds, excluding those arising from working capital advances, with the interest earned being credited to the account.

New law authorizes the commissioner of administration to transfer functions, positions, assets, and funds between and within departments in conjunction with the continuing assessment of the existing staff, assets, contracts, and facilities of each department, agency, program or budget unit's information technology resources, and procurement resources, in order to optimize resources and provide cost savings. New law does not apply to the Dept. of Culture, Recreation and Tourism, or any agency contained in Schedule 04, Elected Officials, of the General Appropriation Act.

Effective July 1, 2018.

Solar Energy System Tax Credits (Act 91)

New law requires the Board of Tax Appeals to issue an order taxing costs for deposits and filing fees paid on appeals made to the board related to a denial or potential denial by the Dept. of Revenue of a qualified claim for a solar energy system tax credit. The order shall be issued within 30 days of the effective date of new law.

New law provides that a "qualified claim" means a claim eligible for payment by the Dept. of Revenue pursuant to Act No. 413 of the 2017 R.S. and shall not include any claim that includes other justiciable issues in addition to the solar energy system tax credit.

New law authorizes the Board of Tax Appeals to waive deposits and filings fees for a qualified claim if the deposits and filing fees have not been paid as of the effective date of new law.

New law provides that payment of costs pursuant to an order of the Board of Tax Appeals under new law be made from the same source used to pay the qualified claim for the tax credit.

Effective upon signature of governor or lapse of time for gubernatorial action.

Fines (Act 137)

New law delays the effective date of the following provisions from Aug. 1, 2018 to Aug. 1, 2019:

- (1) Prior to ordering the imposition of any financial obligation, the court shall determine whether payment in full of the aggregate amount of all the financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents. This determination cannot be waived by the defendant.
- (2) "Financial obligation" means any fine, fee, cost, restitution, or other monetary obligation upon the defendant as part of

- a criminal sentence, incarceration, or as a condition of the defendant's release on probation or parole.
- (3) If the court determines that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, the court shall either waive all or any portion of the financial obligations or order a payment plan that requires the defendant to make a monthly payment to fulfill the financial obligations.
 - (4) In cases where restitution has been ordered, half of the defendant's monthly payment shall be distributed toward the defendant's restitution obligation.
 - (5) During any periods of unemployment, homelessness, or other circumstances in which the defendant is unable to make the monthly payment, the court or the defendant's probation and parole officer is authorized to impose a payment alternative, including but not limited to: substance abuse treatment, education, job training, or community service.
 - (6) If the defendant's circumstances and ability to pay change, the court may, upon motion of the defendant or his attorney, reevaluate the defendant's ability to continue the monthly payments and either waive or modify the defendant's financial obligation, or recalculate the amount of the monthly payment.
 - (7) The defendant's outstanding financial obligations may be forgiven and considered paid-in-full if the defendant makes consistent monthly payments for either 12 consecutive months or consistent monthly payments for half of the defendant's term of supervision, whichever is longer.
 - (8) If it is determined that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, the defendant cannot be imprisoned for failure to pay fines or costs imposed as part of the sentence.
 - (9) The court may not extend a defendant's probation for the purpose of collecting any unpaid monetary obligation but may refer the unpaid monetary obligation to the office of debt recovery.
 - (10) If a court authorizes a payment plan and the defendant fails to make a payment, the court shall serve the defendant with a citation for a rule to show cause why the defendant should not be found in contempt of court.
- (Amends Act No. 260 of the 2017 R.S., §3)
- Item Naming (Acts 161, 222, 230, 249, 258, 444, 445, and 460)**
- Various new laws designate the names of various highways, interchanges, bridges, buildings, etc.
- Effective August 1, 2018.
- St. Tammany Hospital Service District No. 2 (Act 221)**
- New law changes provisions relating to District's nominating committee, appointing authority, board members, and meetings.
- New law allows licensed physicians who are nominated, appointed, currently serving on, or formerly served on the board of commissioners to contract, subcontract, own an interest in an entity that contracts, or accept employment with Slidell Memorial Hospital, if the contract is related to the physician's practice of medicine or expertise as a physician. The physician shall recuse himself from any board action as it relates to such contracts, subcontracts, or ownership interest. The physician shall disclose all contracts to the Louisiana Board of Ethics.

Effective August 1, 2018.

(Amends Section 2.1 as enacted by Act 562 of 2003 R.S., as amended by Act 1214 of 2003 R.S., Act 682 of 2004 R.S., Act 178 of 2007 R.S., and Act 141 of 2011 R.S.)

Special Day (Act 252)

New law designates the seventeenth of May as "Diffuse Intrinsic Pontine Glioma Awareness Day" in Louisiana.

Effective upon signature of the governor (May 17, 2018).

(Adds R.S. 1:58.9)

Revenue Sharing Fund Allocation (Act 396)

New law provides for the allocation and distribution of the Revenue Sharing Fund for FY 2018- 2019.

New law provides for the annual allocation and distribution of the state revenue sharing fund in the amount of \$90,000,000 for FY 2018-2019. The parish allocation is determined by the parish's percentage of the total state population (80% of the revenue sharing fund) and the parish's percentage of the total number of homesteads in the state (20% of the revenue sharing fund).

New law requires the state treasurer to remit the total parish allocation in three allotments no later than Dec. 1, March 15, and May 15, and requires the sheriff to distribute such funds to the tax recipient bodies within 15 days after receipt.

The constitution mandates payment, on a first priority basis from the parish allocation, of the sheriff's commission, retirement systems' deductions, and reimbursement to eligible tax recipient bodies for ad valorem taxes lost as a result of the homestead exemption; any monies remaining in the parish allocation after such payments are made are referred to as "excess funds" and are distributed on the basis of a local formula contained in the Act.

New law provides that in any parish which had excess funds in 1977, except East Carroll, the amount available for the reimbursement of homestead exemption losses shall be limited to the amount used for that purpose in 1977, adjusted by the percentage by which the number of homesteads in the parish increased from 1977 to 2017. New law prohibits participation of new millages levied after Jan. 1, 1978, unless authorized to participate on the same pro rata basis by the local legislative delegation.

New law prohibits general obligation bond millages from participating in revenue sharing and restates the constitutional mandate that the issuing authority levy sufficient millage on all taxable property to pay annual debt requirements.

New law requires that all local distribution authorities file with the state treasurer all information necessary for the computation and verification of amounts due the eligible taxing bodies, and provides that no funds shall be distributed prior to receipt of such information. New law directs the state treasurer and sheriff to pay to a recipient any earnings received from the investments of the parish allocation.

New law retains all prior authorized participations from Act No. 312 of the 2017 R.S. (Revenue Sharing Bill).

The population shall be determined by the LSU AgCenter, Department of Agricultural Economics and Agribusiness, under the most recent federal-state cooperative program for local population estimates.

State Police Retirement System (Act 643)

Prior law, relative to the Louisiana State Police Retirement System (Troopers), provided for the accumulation of certain system funds in an "experience account". Prior law provided for utilization of these funds for benefit increases, commonly called "cost-of-living adjustments" (COLAs), for retirees, survivors, and beneficiaries of the system.

Prior law provided for notification of the legislature by the Troopers' board of trustees that

the conditions for granting a COLA contained in prior law have been met.

Prior law required legislative approval before any COLA may be granted by the Troopers' board of trustees.

New law retains prior law and approves a COLA to be paid July 1, 2018, pursuant to the provisions of prior law.

Effective June 30, 2018.

Government Operating Expenses (Act 2 of Second Extraordinary Session)

New law provides for the ordinary operating expenses of state government.

Effective July 1, 2018.

Capital Improvement Program (Act 3 of Second Extraordinary Session)

New law provides for the implementation of a five-year capital improvement program, the repeal of certain prior bond authorizations, new bond authorizations, authorization and sale of such bonds by the State Bond Commission, and related matters.

New law deems projects included in Section (1)(A) of HB No. 2 of the 2018 R.S. to have timely submitted capital outlay budget request applications for FY 2018-2019 and to have complied with the late approval requirements of present law. New law authorizes these projects to be eligible for lines of credit for FY 2018-2019.

New law deems projects included in Section (1)(B) of HB No. 2 of the 2018 R.S. to have until June 30, 2018, to submit capital outlay budget request applications and if the project application is submitted by that date, the project is deemed to have complied with late approval requirements in present law.

New law requires FP&C to include in reports submitted to the Joint Legislative Committee on Capital Outlay (JLCCO) pursuant to present law, information regarding the amount of local match

required to be provided by a nonstate entity and whether the local match requirement has been waived by FP&C. If a local match requirement has been waived by FP&C, the report shall also include the rationale and basis for the waiver.

New law requires, for Fiscal Year 2018-2019, the commissioner of administration to make recommendations to the legislative committees concerning the state and nonstate entity projects to be granted lines of credit and to submit the list of recommendations to the legislative committees no less than 30 days prior to the meeting date of the State Bond Commission (SBC) in which the lines of credit are to be considered. New law authorizes the legislative committees to make changes to the list but to separately approve the list of projects which shall be submitted to the SBC for consideration of lines of credit.

Only projects which received approval from both legislative committees shall be submitted to the SBC for consideration of lines of credit.

Effective upon signature of governor or lapse of time for gubernatorial action.

Airport Roadway Funding (Act 7 of Second Extraordinary Session)

New law appropriates supplemental funding for the DOTD Landside Roadways at Louis Armstrong International North Terminal project in the Act which originated as HB No. 2 of the 2018 R.S.

Effective upon signature of governor or lapse of time for gubernatorial action.

Port Construction and Development (Act 8 of Second Extraordinary Session)

New law clarifies the purposes of the appropriation to DOTD for the Port Construction and Development Priority Program project in the Act which originated as HB No. 874 of the 2018 R.S.

Effective upon signature of governor or lapse of time for gubernatorial action.

Funding of Judiciary (Act 9 of Second Extraordinary Session)

New law appropriates \$60,000,000 from the state general fund for support of all budget units in the judiciary in the event that the FY 2018-2019 official forecast is increased due to the enactment of certain revenue raising measures introduced in the 2018 2nd E.S.

Effective July 1, 2018.

(Act 2 of Third Extraordinary Session)

Present law provides supplementary funding in the General Appropriation Act (Act No. 2 of the 2018 2nd E.S.) out of revenues from actions taken in the 2018 2nd E.S.

New law provides supplementary funding in the General Appropriation Act out of revenues from actions taken in the 2018 2nd E.S. and 3rd E.S. of the Legislature.

New law repeals the supplementary appropriations and reductions contained in Section 19.B of Act No. 2 of the 2018 2nd E.S. and provides new supplementary appropriations.

Effective July 1, 2018.

TITLE 1: GENERAL PROVISIONS

TITLE 2: AERONAUTICS

TITLE 3: AGRICULTURE AND FORESTRY

Louisiana Agricultural Chemistry and Seed Commission (Act 149)

New law increases the membership of the commission from seven to nine, with qualifications for the two new members.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 3:1382)

Weeds and Seeds (Act 362)

Prior law defined "noxious weeds" as weeds that are highly destructive and difficult to control by good cultural practices and the use of herbicides. New law instead defines "noxious weeds" as weeds that are injurious to the environment, agricultural fields, lawns, or gardens and difficult to control by good cultural practices and the use of herbicides.

New law authorizes the commissioner to make additional tests of seeds for persons upon request.

New law clarifies that test analyses are confidential and made available only to the requestor, unless otherwise specifically authorized by the requestor.

Prior law provided that the test analyses shall not be made the basis of the guaranteed analysis of the seeds required by prior law. New law deletes prior law.

Prior law required vegetable seeds in containers of one pound or less to be labeled with the calendar month and year of the germination test. New law adds that containers of one pound or less may alternatively be labeled with the year for which the seeds were packed for sale.

Effective upon signature of the governor (May 20, 2018).

(Amends R.S. 3:1431(19), 1435(5), 1436(4)(d) and (5)(e), and 1444(10) and R.S. 44:4.1(B)(1); Repeals R.S. 3:1431(23))

Dogs, Cats, and Hurricanes (Act 148)

New law prohibits tying or tethering a dog or cat in a manner that exposes the dog or cat to extreme weather conditions in a designated emergency area during a flood or hurricane in which (i) a disaster or emergency is declared by executive order or proclamation of the governor, or (ii) a local disaster or emergency is declared by a local political subdivision of the state.

New law authorizes a local governing authority to establish a fine not to exceed \$75 for violations.

Effective August 1, 2018.

(Amends R.S. 3:2361 and 2362)

La. Agricultural Commodities Commission (Act 8)

New law changes the required meetings of the Louisiana Agricultural Commodities Commission from four to three per year.

(Amends R.S. 3:3403(J))

Rice Production Assessment (Act 176)

Old law specified that the assessment imposed on the production of rice is effective for five years. New law repeals old law.

(Repeals R.S. 3:3544(A)(9))

Commission of Weights and Measures (Act 172)

Present law provides for 10 members appointed by the commissioner of Agriculture and Forestry to the Commission of Weights and Measures. New law authorizes the commissioner to appoint alternates from the same list of nominees in the same manner as each appointed member, and provides that each alternate attending a meeting has the same rights, powers, and privileges as the member, including voting.

New law provides for the removal from the commission of any member who is no longer a resident of Louisiana, is no longer active in the organization or agency for which he was appointed to represent, or has three or more unexcused absences within a 12-month period of time as verified by the commissioner and the chairman of the commission.

New law defines "basket" as a one and one-half bushel container used for measuring oysters for sale or purchase.

Present law requires that each sack of oysters contains one basket and each barrel contains two baskets. New law requires that each mini-sack of oysters contains one-half bushel, each sack contains one and one-half bushels, and each barrel contains three bushels.

(Amends R.S. 3:4603 and 4633; Adds R.S. 3:4602(22))

Shelled Field Corn Weight (Act 155)

New law exempts the sale of shelled field corn from the Louisiana Weights and Measures Law if the net weight of the shelled field corn is verified by a National Type Evaluation Program (NTEP) certified scale prior to distribution of the corn.

Effective August 1, 2018.

(Adds R.S. 3:4623(C))

La. Board of Animal Health (Act 429)

Present law requires market agencies, those who sell livestock on commission, to obtain a permit from the La. Board of Animal Health (board).

New law requires livestock dealers to obtain a permit from the board annually on a form prescribed by the board.

New law authorizes the board to deny, revoke, or suspend any permit issued by the board for material misstatements in the permit application, allowing permit use by unpermitted persons, conviction of certain crimes, disciplinary actions by the U.S. Dept. of Agriculture (USDA), lack of qualifications, or unpaid fines or penalties issued by the board.

New law authorizes the board to recover costs for disciplinary actions.

Old law required market agencies and livestock dealers to keep certain records and provided willful failure to keep such records results in an automatic permit revocation. New law removes the automatic revocation.

Old law provided that livestock brand inspectors employed by the commissioner and the director and assistant director of the Livestock Brand Commission are commissioned as peace officers by the Dept. of Public Safety and Corrections. New law removes the commission for the director and assistant director.

New law adds the duty to enforce provisions and rules of the board to those peace officers so commissioned.

Present law prohibits the use of a brand not recorded with the commission. New law prohibits offering livestock for sale without providing the true owner for the purpose of livestock theft or violation of a quarantine issued by the La. Board of Animal Health.

Old law specified that the state veterinarian is the executive secretary of board. New law instead authorizes the board to appoint the executive secretary with approval of the commissioner of agriculture.

New law grants the board the power to issue market agency and livestock dealer permits and to assess penalties in administrative hearings.

New law expands the civil penalties the board can impose to include public or private letters of reprimand or concern; restitution of the department's costs; and denial, revocation, or suspension of any permit issued by the board.

(Amends R.S. 3:563, 564, 734, 735, 747, 748, 2092, and 2093; Adds R.S. 3:561(6))

TITLE 4: AMUSEMENTS AND SPORTS

State Boxing and Wrestling Commission (Act 356)

New law provides that beginning January 1, 2019, the commission shall be domiciled in the city of Baton Rouge.

Prior law provided that the commission shall appoint a physician to examine each contestant before the contestant enters the ring.

New law changes the appointment of the physician from by the commission to by the promoter and provides that the commission shall determine that the physician is competent and of good standing.

Effective August 1, 2018.

(Amends R.S. 4:61(C), and R.S. 4:70(A) and (C))

Small-Scale Professional Wrestling (Act 210)

New law provides that a wrestling promoter who, during the calendar year his license is granted, promotes exclusively events authorized by new law, shall not be required by the commission to furnish a bond.

New law provides conditions that must be met in order for a professional wrestling event to be in compliance with new law:

- (1) The promoter and all the participants are licensed pursuant to present law.
- (2) The venue for the event is either a primary or secondary school gymnasium or has a capacity of four hundred persons or fewer as certified by the state fire marshal.
- (3) There is present at each such event, from the start of the event until the finish of the event, an individual of the full age of majority, who is not a participant in the event, who has documented current certification in Infant/Child/Adult CPR.
- (4) The promoter secures a commercial liability policy for a minimum of one hundred thousand dollars or provides proof to the secretary of the commission that the venue provides a liability policy in that amount, which policy shall be in full force and effect at the time of the event.
- (5) All applicable provisions of present and new law and the rules and regulations for the commission are observed and obeyed during the event.

- (6) The promoter provides written notice to the secretary of the commission no less than fifteen days prior to the event which certifies the compliance with new law and includes verifying documents.

New law provides that when the above requirements are met, the provisions of present law shall not apply to that professional wrestling event, and instead:

- (1) The promoter shall not be required by the commission to pay any show date reservation fee, nor shall any fee be charged for submission of the written notice required by new law.
- (2) A promoter shall not be required by the commission to purchase health insurance for the event.
- (3) The commission shall not be required to have any representative present at the event.
- (4) The promoter shall at all times be responsible at the event for compliance with the applicable provisions of present and new law and the rules and regulations of the commission.
- (5) The promoter shall, within the fifteen days following the event, report in writing the results of each event.

New law provides that the commission, the individual members of the commission, and the state of Louisiana shall not be liable for damages in any civil action for any event which is promoted pursuant to new law.

(Amends R.S. 4:83; Adds R.S. 4:61(G) and 65(A)(4))

Charitable Gaming (Act 610)

Prior law allowed the office of charitable gaming to license certain organizations to hold and operate certain games of chance without the organization having to qualify with the IRS for a federal income tax exemption. New law adds

public institutions of higher education to the list of organizations.

Prior law provided that the governing authority of any parish or municipality may license certain organizations to hold and operate certain games of chance without having to qualify with the IRS for a federal income tax exemption. New law adds public institutions of higher education to the list of organizations.

New law defines "public institution of higher education" as each in-state public graduate and undergraduate institution, public junior and community college, public technical institute, and each separate school or department of the institution, college, or institute, when the entire net proceeds of a game of chance is devoted to support the institution.

New law provides that a licensed public institution of higher education may conduct a raffle without a license in a municipality or parish that permits games of chance, when the entire net proceeds of the games of chance are devoted to supporting the institution.

Effective August 1, 2018.

(Amends R.S. 4:707(D) and (F)(3); adds R.S. 4:707(E)(6))

TITLE 5: AUCTIONS AND AUCTIONEERS

TITLE 6: BANKS AND BANKING

Interstate's Bank Account (Act 96)

Old law provided that upon the death of a depositor who dies without a will, along with an affidavit establishing jurisdiction and relationship, a depository financial institution may transfer deposits to a surviving spouse or heirs, if the total aggregate amount does not exceed \$5,000.

New law modifies present law to increase the total aggregate amount from \$5,000 or less to \$20,000 or less.

New law changes the term "bank" to "depository financial institution" and makes technical changes.

(Amends R.S. 6:315.1(A)-(C))

Financial Institutions and Electronic Notices (Act 88)

New law authorizes notices of meetings of stockholders and of boards of directors of state banks, savings and loan associations, and savings banks to permit electronic delivery of meeting notices. New law provides that a respective entity's articles of incorporation or bylaws may authorize or require electronic transmission of meeting notices and other communications to appropriate persons to the same extent and in the same manner as permitted for a Louisiana corporation in accordance with present law (R.S. 12:1-141).

(Amends R.S. 6:708(G) and 710(A) and (B)); Adds R.S. 6:272(D)(5), 283(B)(4), 1183(C), and 1188(F))

Financial Institutions and Exploitation of Certain Adults (Act 434)

New law provides legislative intent and generally authorizes a covered financial institution's discretion to take certain actions to assist in detecting and preventing financial exploitation of an eligible adult without liability.

New law defines the following: "adult protection agency", "covered agency", "covered financial institution", "eligible adult", "financial exploitation", and "financial transaction".

New law authorizes a covered financial institution to notify a covered agency, or any third party reasonably associated with an eligible adult, if the covered financial institution believes financial exploitation of the eligible adult is being attempted, may have been attempted, or may have occurred.

New law authorizes a covered financial institution's discretion in refusing to notify a party reasonably associated with individuals who are

suspected of financial exploitation of eligible adults.

New law requires a covered financial institution to make a reasonable effort, at least annually, to notify all employees of the covered financial institution of their ability to report potential financial exploitation of an eligible adult to personnel within the covered financial institution.

New law authorizes a covered financial institution to delay completion or execution of a financial transaction involving the account of an eligible adult, or the account of a person suspected of perpetrating financial exploitation of the eligible adult, if certain conditions apply. New law authorizes the covered financial institution to provide notice to certain persons regarding the delay.

New law provides if a covered financial institution delays a financial transaction regarding an eligible adult, the covered financial institution is required to send written notification of the delay, no later than 2 business days after the delay, to all parties authorized to transact business on the account, unless any such party is reasonably believed to have engaged in attempted financial exploitation. New law authorizes the notification to be provided electronically.

Except as ordered by a court, new law does not require a covered financial institution to delay a financial transaction, when such institution is provided with information by a covered agency alleging that financial exploitation of an eligible adult is occurring, has or may have occurred, or is being attempted, or has or may have been attempted, but may use its discretion to determine whether to delay a financial transaction based on the information available to the covered financial institution.

New law requires the delay of a financial transaction to expire when the earliest of either circumstances apply:

- (1) The covered financial institution reasonably determines that the financial transaction will not result in financial exploitation of the eligible adult.

- (2) 15 business days from the date on which the covered financial institution first initiated the delay of the financial transaction.

New law authorizes a covered financial institution to extend the delay of a financial transaction upon receiving such a request from any covered agency, in which case the delay is required to expire or be terminated no later than 25 business days from the date on which the covered financial institution first initiated the delay of the financial transaction.

New law authorizes a court of competent jurisdiction to enter an order extending or shortening a delay, or providing other relief, based on the petition of the covered financial institution, any covered agency, or other interested party.

New law provides that no covered financial institution, or any of its directors, officers, employees, attorneys, accountants, or other agents, are civilly or criminally liable to any person for any act or failure to act pursuant to new law.

Nothing in new law creates the duty or mandate of a covered financial institution to assist in detecting and preventing financial exploitation.

New law prohibits persons from bringing claims against any covered agency or the state in connection with the receipt of or in response to any notice of financial exploitation.

The immunity from liability provided in new law does not extend to any individual in a case when such individual is a principal, conspirator, or an accessory after the fact to a criminal offense involving the financial exploitation of an eligible adult.

Effective Oct. 1, 2018.

(Adds R.S. 6:1371-1376)

TITLE 7: BILLS AND NOTES

TITLE 8: CEMETERIES

Cemetery Trust Funds (Act 391)

Present law provides for the establishment of a trust fund for a perpetual or endowed care cemetery. New law provides for the creation of a master trust fund for the purposes of collective investment and administration.

New law provides that with the written consent of each participant in a master trust fund, a designated trustee of two or more trust funds may apply to the board to establish a master trust fund.

New law provides that the master trust fund shall be subject to the following requirements:

- (1) It shall include only trust funds with a principal balance of less than \$250,000. If a trust fund has a principal sum exceeding \$250,000 at the end of a reporting period, such trust fund shall be removed from the master trust fund within 90 days.
- (2) The designated trustee of a master trust fund shall maintain separate records of principal and income for each participant in the master trust fund.
- (3) The income and associated expenses of the master trust fund shall be divided among the participants in the master trust fund based on the proportion that each participant contributes to the balance of the master trust fund.
- (4) The annual report by the designated trustee of the master trust fund shall include an itemized separate accounting for each participant in the master trust fund.
- (5) The operation of the master trust fund shall be subject to the provisions of Title 8 of the Louisiana Revised Statutes of 1950 and the rules and regulations of the board.

Prior law provided that a trustee shall file with the La. Cemetery Board (board), with a copy to the clerk of the district court for the parish in which the cemetery is located, an annual report and final accounting showing in detail all receipts and disbursements of cash and all receipts and deliveries of other trust property. New law removes the requirement that the trustee provide a copy of the annual report and the final accounting to the clerk of the district court for the parish in which the cemetery is located.

New law provides that the annual report and the final accounting shall be open for public inspection and upon request, a copy of the annual report and final accounting shall be made available.

Prior law provided that any cemetery in existence on August 1, 1962, which, prior to such date, sold or contracted to sell interment spaces with a provision for perpetual or endowed care, qualifies for the exceptions, if the owner of said cemetery filed in the office of the recorder of mortgages for the parish in which said cemetery is located, a sworn affidavit executed by said owner, or its principal officer, setting forth certain information.

Prior law provided that a like affidavit shall be filed at the end of each fiscal year thereafter for the operation of such cemetery. New law requires the like affidavit be filed with the board.

Effective upon signature of the governor (May 20, 2018).

(Amends R.S. 8:454, 8:456)

Movement of Human Remains (Act 248)

Prior law provided that the remains of a deceased person may be moved from a cemetery space to another cemetery space in the same cemetery or to another cemetery with the consent of the cemetery authority and the written consent of one of a list of persons, in the order named, unless other directions in writing have been given by the decedent.

New law changes the form in which a decedent gives directions for his remains to be moved from a written declaration to a notarial testament or a written and notarized declaration.

New law changes the list of persons to the following:

- (1) The surviving spouse, if there is no pending petition for divorce filed by either spouse prior to the death of the decedent spouse.
- (2) A majority of the surviving adult children of the decedent.
- (3) A majority of the surviving adult grandchildren of the decedent.
- (4) The surviving parents of the decedent.
- (5) A majority of the surviving adult siblings of the decedent.

Prior law did not apply or prohibit certain specified movements of remains.

New law adds that prior law shall not apply or prohibit the moving, identification, and reinterment of caskets, coffins, vaults, other outer burial containers, remains, and associated burial artifacts, displaced by a force majeure event and undertaken by the cemetery authority or its designee or any authorized government entity or its designee following a municipal, parish, or state declaration of emergency.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 8:659(A); adds R.S. 8:660(5))

TITLE 9: CIVIL CODE ANCILLARIES

Quick Marriages (Act 276)

Present law prohibits a marriage officiant from performing a marriage ceremony until 72 hours have elapsed since the issuance of the marriage license.

Present law authorizes a judge, justice of the peace, or retired justice of the peace to waive the 72-hour delay.

Present law authorizes any officiant authorized to perform marriage ceremonies in the parish of Orleans to waive the 72-hour delay for nonresident parties upon application of the parties.

New law changes the 72-hour delay to a 24-hour delay.

(Amends R.S. 9:241-243)

Child Support Modification (Act 379)

Prior law provided that a child support obligation shall not be modified unless there is a material change in circumstances. New law provides that a material change in circumstances must be substantial and continuing.

New law provides that a court has the discretion to modify child support obligation even when there is not a 25% variation in the current support obligation.

New law provides that in the best interest of the child judicial review shall be called upon by either party or DCFS. New law provides that the court may modify a child support award every three years if existing award differs from the previous award.

Effective upon signature of the governor (May 20, 2018).

(Amends R.S. 9:311(A)(1), (C), and (F))

Child Support Matters (Act 136)

Act No. 264 of the 2017 provides relative to child support obligations, procedures for the temporary modification or suspension of child support orders, notice requirements, defense for contempt of the failure to comply with a child support order due to incarceration, and rule-making authority for the Dept. of Children and Family Services.

The provisions of Act No. 264 of the 2017 become effective on Jan. 1, 2019.

New law retains all of the provisions of Act No. 264 except as follows:

- (1) The provisions of Sections 1 through 7 of Act No. 264 become effective on Aug. 1, 2019, instead of Jan. 1, 2019, except as provided in (2) and (3) below.
- (2) The provisions of R.S. 9:315.11, relative to voluntary unemployment or underemployment, as amended and reenacted by Act No. 264, become effective on Aug. 1, 2018, instead of Jan. 1, 2019.
- (3) New law repeals the rule-making authority provided to DCFS in Act No. 264 (R.S. 9:311.1(J)), and provides for such rule-making authority in new law, to be effective upon signature of the governor.

(Amends Act No. 264 of the 2017 R.S.; Repeals R.S. 9:311.1(J))

Joint Custody and Evacuations (Act 378)

New law provides that an implementation plan shall provide for the responsibility of the parties to engage in continuous communication regarding the evacuation of the child, the location of the child, and an interim custody plan, if either party is required to evacuate the state with a minor child because of a declared emergency or disaster.

Effective upon signature of the governor (May 20, 2018).

(Adds R.S. 9:335(A)(2)(c))

False River Boundaries (Act 95)

New law delineates the boundary between state ownership and private ownership of the land adjacent to False River based on a specified map dated February 21, 2018, and filed with the Pointe Coupee Parish Clerk of Court.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:1110)

Joint Securities or Brokerage Account and Death (Act 167)

New law defines "broker or securities firm" as a person defined as a broker or dealer under the federal securities laws, and includes a bank acting in that capacity.

New law defines "joint securities or brokerage account" as an account which is titled in the name of a husband and wife, which is registered as a community property account, and which requires the endorsement of both husband and wife in order to assign, transfer, or redeem a security, or to grant the power to assign, transfer, or redeem a security.

New law defines "securities or brokerage account" as an account to which a financial asset is or may be credited in accordance with an agreement under which the person maintaining the account undertakes to treat the person for whom the account is maintained as entitled to exercise the rights that comprise the financial asset.

New law provides that upon the death of a joint securities or brokerage account holder and with the authorization and direction of the surviving account holder, a broker or securities firm may sell or transfer securities held in the account not to exceed 50% of the value of each security held in the joint securities account. The value of the securities shall be determined as of the date of the death of the decedent.

New law provides that the surviving account holder has the right to withdraw the funds or assets generated pursuant to the provisions of new law; however, the right of withdrawal shall terminate upon written notice of the appointment of an executor or administrator of the estate of the decedent being delivered to the broker or securities firm.

New law exempts from liability a broker who pays the surviving spouse in accordance with the provisions of new law.

New law shall not prohibit any right of forced heirship or the collation or collection of funds due to any spouse, heir, legatee, creditor, or other person having rights or claims to funds of the deceased account holder.

New law shall not be applicable upon delivery to the broker or securities firm of a written notice of a petition for the divorce of the account holders and final settlement of the community property has been filed and is pending at the time of the death of the account holder.

(Adds R.S. 9:1421)

Release of Bank Deposits to Surviving Spouse (Act 302)

Without a court proceeding, order, or judgment authorizing the release of funds or providing a determination of inheritance taxes due, old law authorized a "bank or other depository" (hereinafter, "payor") to pay the surviving spouse of a depositor a sum not in excess of \$10,000.

New law increases the amount payable from \$10,000 to \$20,000 and deletes old law with respect to a judicial determination concerning an inheritance tax.

Present law authorizes a payor to release funds to a surviving spouse when funds are deposited in an account listed solely in the surviving spouse's name, and authorizes the release of funds without liability to the payor for any estate, inheritance, or succession taxes owed to the state. Old law required the payor to notify the collector of revenue within 7 days of the release of such funds. New law deletes the payor's requirement to notify the collector of revenue.

Old law made reference to a "bank or other depository" when describing the type of entity from which a surviving spouse may withdraw deposited funds. New law changes every reference from "bank or other depository" to "federally insured depository institution".

(Amends R.S. 9:1513)

Agreements Not to Disclose Crime (Act 368)

New law provides that a party may petition a court for a declaratory judgment that a clause in an agreement, contract, settlement, or other similar instrument that prevents a party to the instrument from disclosing factual information related to acts that if proven would establish a cause of action for civil damages for any act that may be prosecuted as a criminal offense is null, void, and unenforceable as a matter of law and shall be considered against public policy.

New law provides that the fact that an agreement, contract, settlement, or similar instrument states that the providing of consideration is not an admission of liability for an alleged criminal offense, of the commission of a criminal offense, or of an awareness of a criminal offense shall not be conclusive in determining whether the provisions of new law apply.

New law applies to any agreement, contract, settlement, or other similar instrument entered into, revised, or amended before, on, and after August 1, 2018.

Effective August 1, 2018.

(Amends R.S. 9:2717)

Residential Real Property Disclosure Statement (Act 559)

Old law defined "known defect". New law amends the definition.

Present law provides that certain transfers of interest are exempt, including a transfer of interest pursuant to a testate or intestate succession. New law adds that such transfer of interest is with respect to the succession executor or administrator.

Old law required certain statements of acknowledgment to be included in a property disclosure document, including whether certain illegal drug activity was in operation on the property.

New law amends present law and provides for the inclusion of general statements, including whether illegal activity was ever located on the property.

Old law exempted a seller from liability for any error, inaccuracy, or omission of any information in the disclosure if the error, inaccuracy, or omission was not a willful misrepresentation of the seller.

New law amends present law to provide the seller's exemption from liability for any error, inaccuracy, or omission of any information if it was not a willful misrepresentation of the seller with respect to a known defect.

(Amends R.S. 9:3196, 3197, and 3198)

Tenants' and Lessees' Rights (Act 416)

Prior law, relative to leases, provided that the willful failure to comply with prior law shall give the tenant or lessee the right to recover actual damages or \$200, whichever is greater, from the landlord or lessor, or from the lessor's successor in interest.

New law provides that tenant or lessee has the right to recover any portion of the security deposit wrongfully retained and \$300 or twice the amount of the portion of the security deposit wrongfully retained, whichever is greater, from the landlord or lessor, or from the lessor's successor in interest.

Effective on January 1, 2019.

(Amends R.S. 9:3252)

Consumer Loan Licensee Acquisitions (Act 235)

Prior law provided that no person shall acquire or control a consumer loan license through the acquisition or control of more than 50% or more of the ownership interest in a licensee, without first having obtained written approval from the commissioner, pursuant to an application for a change of control in ownership of the licensee filed in the manner and on a form prescribed by

the commissioner and accompanied by a fee of \$300.

Prior law provided that a person acquires or controls the licensee when the person, directly or acting through one or more other persons, owns a majority interest in the licensee, or exercises a controlling influence over the management or the policies of the licensee, as determined by the commissioner after notice and an opportunity for an informal meeting, not subject to the Administrative Procedure Act, regardless of whether the acquisition or control occurs incrementally over a period of time or as one transaction.

New law changes the ownership interest amount that requires approval from the commissioner to acquire or control a consumer loan license from 50% or more to 25% or more.

New law removes the requirement that any person who acquires or anticipates acquiring a 75% interest in a licensee file for a new license prior to acquiring ownership of said interest, either incrementally over a period of time or as one transaction.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 9:3561(D))

Credit Reporting Agencies (Act 233)

Prior law provided that credit reporting agencies may impose a reasonable charge on a consumer for initially placing or temporarily lifting a security freeze on a consumer file, with certain exceptions.

New law deletes prior law and provides that at no time shall the consumer be charged for placing or reinstating a security freeze, or for temporarily lifting or revoking the freeze.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 9:3571.1(W))

Oil Well Lien Act and Operations (Act 245)

Prior law defined what is and is not operations for purposes of the Louisiana Oil Well Lien Act, and included salt water or another waste substance after placed in a means of transportation for disposal, as an activity that is not included in operations.

New law removes the disposal of salt water or another waste substance from the list of activities that is not included in the definition of operations.

Effective August 1, 2018.

(Repeals R.S. 9:4861(4)(b)(iii))

Successions and Prescription (Act 122)

Old law provided that an action by a successor of a decedent not recognized in a judgment of possession against a third person who acquired an interest in immovable property by onerous title is prescribed in two years from the finality of the judgment of possession.

New law provides that the action is prescribed in two years from the rendering of the judgment of possession.

Present law provides that any action against succession representatives, tutors, and curators claiming defective legal procedure or noncompliance with the law in the alienation, encumbrance, or lease of movable or immovable property is prescribed two years from the making of the alienation, encumbrance, or lease.

New law adds that the prescriptive period also applies to actions by independent succession representatives.

(Amends R.S. 9:5630 and 5632)

Squatting on Blighted Property (Act 568)

New law provides that in an incorporated municipality that is under a home rule charter and has a population between 6,650 and 7,650, according to the latest federal decennial census, upon satisfaction of the following requirements,

ownership of an immovable may be acquired by the prescription of three years without need of just title or possession in good faith:

- (1) The land and all the improvements thereon shall be located in the municipality and shall have been declared or certified blighted after an administrative hearing, pursuant to R.S. 13:2575 or 2576.
- (2) In the mortgage and conveyance records of the parish shall be filed an affidavit by the possessor stating the name and address of the possessor, stating the intention of the possessor to take corporeal possession of the immovable property for the possessor's own account, stating that such corporeal possession shall commence no sooner than 14 days from the date of filing of the affidavit, and a short legal description of the immovable property intended to be possessed.
- (3) A copy of an order, declaration, determination, resolution or ordinance of the municipality, certified by the municipality as a true copy, declaring the property as blighted property.

New law provides that an affidavit and resolution shall be mailed by certified mail to all interested parties, within 30 days of being filed.

New law provides that a notice, stating the name and address of the possessor, possessor's intent to take possession of the immovable, and the date the notice was posted, shall be affixed on a prominent location on the immovable property within one month after an affidavit and resolution are filed.

New law provides that all ad valorem taxes, interest, and penalties due and payable shall be paid in full.

New law provides that possessor's rights shall be terminated for failure to comply with requirements of new law.

New law provides that the possessor shall not demolish the immovable property without authority from the municipality.

New law provides that the possessor shall not be held liable for a cause of action pertaining to the immovable property except causes of actions pursuant to C.Cr.P. Art. 3651. New law provides that the possessor shall not be held criminally responsible for trespass or demolition of the immovable property.

New law provides for reimbursement to the possessor in the event the owner is successful in bringing a real action pursuant to C.Cr.P. Art. 3651. New law provides that possessor shall earn and receive interest at the judicial interest rate as provided by R.S. 13:4202.

New law provides that no recorded mortgage privilege, lien, or judgment encumbering the subject property shall be extinguished or impaired by the accrual of acquisitive prescription and any holder of a mortgage, privilege, lien, or judgment, encumbering the subject property may enforce its rights through foreclosure, including the seizure and sale of the property as though acquisitive prescription had not accrued.

New law provides for certain procedures and requirements in determining cost or value made or done on the immovable property, for reimbursement purposes. New law provides that monies owed to possessor shall be secured by a first privilege lien, which shall be inferior to previously recorded mortgages, privileges, liens, and judgments.

New law provides relative to ownership under acquisitive prescription.

New law provides for criminal penalties for false documents filed under new law.

Effective upon signature of governor (May 30, 2018).

(Adds R.S. 9:5633.1)

TITLE 10: COMMERCIAL LAWS

TITLE 11: CONSOLIDATED PUBLIC RETIREMENT

Public Retirement Systems Actuarial Committee (Act 399)

Prior law created the Public Retirement Systems' Actuarial Committee (PRSAC) within the Dept. of the Treasury. New law removes the specification that PRSAC is in the Dept. of Treasury.

New law changes composition and terms of chair and vice chair.

Effective June 30, 2018.

(Amends R.S. 11:121(A) and 126; repeals R.S. 36:769(L))

La. State Employees' Retirement System (Act 595)

Present law provides disability benefits for LASERS members who become totally and permanently disabled from an injury received in the line of duty.

New law provides increased disability benefits for a member of any of these plans who becomes permanently and totally disabled as a result of injuries sustained, while engaged in the discharge of his duties, as a result of an intentional act of violence. New law prohibits any such member and his surviving spouse from receiving any other PBI paid by the system.

New law repeals requirement that disability benefits payable to members of the Primary Corrections Plans are subject to the appropriation of funds.

New law applies to any disability retiree receiving disability benefits on the effective date of the Act if he is approved for the benefits provided by new law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 11:212, 461, 603, and 617; Adds R.S. 11:583(B)(3) and (4) and 3686(B)(1)(d) and (e))

Benefit Increase Calculation (Act 113)

Present law provides for the distribution of benefit increases granted by the legislature or by a state or statewide retirement system if the legislature or system does not otherwise specify the terms for such distribution. Present law requires that any such increase be a monthly increase of the benefit of each recipient in the dollar amount equal to the total of the number of years of credited service accrued at retirement or at death of the member or retiree plus the number of years since retirement or since death of the member or retiree to June 30 of the initial year of such increase.

The fiscal year for 11 of the 13 state and statewide retirement systems ends June 30. The fiscal year for the Assessor's Retirement Fund ends Sept. 30. The fiscal year for the Parochial Employees' Retirement System of La. ends Dec. 31.

New law changes the date used in the benefit increase calculation to the fiscal year end preceding the payment of the benefit increase, rather than June 30 of the initial year of such increase.

New law makes additional technical corrections.

(Amends R.S. 11:241(B))

State Retirement System Actuaries (Act 397)

New law provides that the board of trustees of any state or statewide retirement system is authorized to appoint an actuary or actuaries, independently or jointly.

New law provides any duties the board assigns to the actuary shall relate only to the practice of actuarial science or ministerial duties that do not require the exercise of supervision or

discretionary control over the administration or management of the system.

Effective June 30, 2018.

(Adds R.S. 11:252)

International Investment Restrictions (Act 45)

Present law requires each state or statewide retirement system with an investment strategy including allocation to international markets to establish an international index fund that identifies and excludes from the fund companies having facilities or employees in a prohibited nation (terror-free index fund). As part of managing such fund, an investment manager shall replace any equity with facilities or employees in a prohibited nation (screened equities) with comparable equities or adjust the weighting of remaining equities held in a system's portfolio. Each such system shall allocate a portion of its international investments to such terror-free index fund.

New law requires that such systems invest in an international fund or separately managed account which identifies and excludes equities in companies having facilities or employees located in a prohibited nation but removes requirement for the use of an index fund. New law gives the investment manager the option to either replace screened equities with comparable terror-free equities or adjust the weighting of remaining equities held in a system's portfolio and provides the additional option to sell the screened equities.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 11:316)

Louisiana State Employees' Retirement System (Act 224)

Present law provides for the survivor benefits for the spouses and children of certain members of LASERS who are in the various hazardous duty plans, including wildlife agents, certain public safety and correction employees, and harbor police, who were killed in the line of duty or died

from the direct result of an injury received while in the line of duty.

New law provides for the survivor benefit for the spouse and children of a member of a hazardous duty plan killed in the line of duty by an intentional act of violence. New law provides that the benefit shall be equal to 100% of the member's average compensation without regard to the amount of time that the deceased was a member of the plan.

New law extends the same benefit to a member of the regular plan who, had his first employment making him eligible for membership in any state system occurred on or after Dec. 31, 2010, would have been eligible for membership in the hazardous duty plan and did not opt to transfer his service into the hazardous duty plan.

New law provides that when a child who is not handicapped or mentally incapacitated no longer meets the definition of a minor child, then his benefit will cease and the remaining beneficiaries will have their shares adjusted accordingly.

New law provides that the LASERS board of trustees shall electronically notify all members of the legislature when a survivor benefit is granted pursuant to new law.

New law provides that the Sheriffs' Pension and Relief Fund board of trustees shall electronically notify all members of the legislature when a survivor benefit is granted pursuant to prior law.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 11:478, 585, 586, 587, 618, and 3685; adds R.S. 11 and 604(F))

Teachers' Retirement System of La. (Act 492)

Present law generally provides that a retiree of TRSL may not return to work in a position covered by the system and continue to receive his benefit check while reemployed, with exceptions.

Present law provides that after a 12-month suspension period, there shall be no further

suspension of benefits for a member who returns to work, if the member retired on or before June 30, 2010 or holds an advanced degree in speech therapy, speech pathology, or audiology, regardless of retirement date. New law retains present law relative to speech therapists, speech pathologists, and audiologists and provides that there shall be no suspension of benefits for any member who has been retired for at least five years.

Present law authorizes a retiree to return to work as a substitute classroom teacher, an adjunct professor, an instructor in an adult literacy program, or a school nurse and to continue to receive his benefit check; however, the allowable employment earnings of such retiree are capped at 25% of his benefit amount. New law adds clerical office personnel to the list of positions that a retiree may return to subject to a 25% earnings limitation.

Present law provides that in certain circumstances a retiree may return to work in a critical shortage position without reduction of benefits, including returning as a certified classroom teacher, as a certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, or school psychologist. New law adds pre-kindergarten teacher and interpreter, educational transliterator, or educator of the deaf or hard of hearing to the list of certified professionals who may return to work in a critical shortage position without reduction of benefits.

Effective July 1, 2018.

(Amends R.S. 11:710)

Teachers' Retirement System of La. (Act 613)

Present law generally provides that a retiree of TRSL may not return to work in a position covered by the system and continue to receive retirement benefits while reemployed, with exceptions.

Present law authorizes a retiree to return to work as a substitute classroom teacher, an adjunct professor, an instructor in an adult literacy

program, or a school nurse and to continue to receive his benefit check; however, the allowable employment earnings of such retiree are capped at 25% of his benefit amount.

New law adds presenter of professional development to the list of positions that a retiree may return to subject to a 25% earnings limitation.

Effective July 1, 2018.

(Amends R.S. 11:710(A)(9); Adds R.S. 11:710(A)(5)(e))

State Retirement Systems (Act 342)

Prior law allowed a person with at least five years of service credit in the Teachers' Retirement System of Louisiana (TRSL) to retain membership in that system if the person moves to employment covered by another state or statewide retirement system.

New law provides that the ability to retain TRSL membership is not applicable to an employee covered by the Clerks' of Court Retirement and Relief Fund.

Effective June 30, 2018.

(Amends R.S. 11:723(C))

Employment and Retirement Benefits (Act 108)

New law increases the time period that a retiree may work during a calendar year without benefit reduction from 60 working days to 630 hours.

Present law requires that employers remit employer contributions to the system while the member is an active member. New law requires that employers pay employer contributions to the system as provided by old law during any period of reemployment on or after June 30, 2018. New law applies to retirees who return to work in part-time or full-time positions. Upon termination of reemployment, new law provides for the system to retain the employer contributions and interest on such contributions.

Effective July 1, 2018.

(Amends R.S. 11:1513)

Eligible Rollovers (Act 344)

Present federal law (the Internal Revenue Code or "IRC") allows certain eligible distributions from tax-qualified governmental pension plans like the Clerks' of Court Retirement and Relief Fund to be directly rolled over from the governmental plan to an eligible retirement plan specified by the recipient of the distribution (called a "distributee").

State law authorized a distributee of Clerks' to elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee. Old law provided that an eligible retirement plan is:

- (1) An individual retirement account (IRC Section 408(a)).
- (2) An individual retirement annuity (IRC Section 408(b)).
- (3) A qualified trust (IRC Section 401(a)).

Present law restricts the rollover to an individual retirement account or annuity if the distributee is a surviving spouse.

New law provides that an inherited individual retirement account established for a non-spouse beneficiary in accordance with IRC Section 402(c)(11) is an eligible retirement plan, and that any rollover to a non-spouse beneficiary shall be made only to an inherited individual retirement account.

Effective June 30, 2018.

(Amends R.S. 11:1532)

Municipal Employees Retirement System – Definitions (Act 43)

Present law as it relates to MERS, defines "disability" as a condition which, in the determination of the MERS board, renders an

employee permanently and totally disabled, by bodily injury or disease, from performing the duties and responsibilities of his position; it excludes disabilities caused by specified actions or events. New law provides that the disability must render the member incapable of any employment rather than render him or her incapable of performing the duties and responsibilities of his position.

New law changes the definition of "minor child" from a child born of the marriage or adopted child of a member who has not attained the age of eighteen, or who had a disability at the time of the member's death and who remains in such disability status, to an unmarried child under the age of eighteen years or child who had a disability at the time of the member's death and who remains disabled.

New law defines "child" as the issue of a marriage of a member, the legally adopted child of a member, the natural child of a female member, or the child of a male member if a court of competent jurisdiction has made an order of filiation declaring the paternity of such a member for the child or the father has formally acknowledged the child.

Effective July 1, 2018.

(Amends R.S. 11:1732(11) and (20))

MERS – Participating Employers and Reemployment (Act 110)

Participating employers in MERS are enumerated in present law, either by name or by class of employers; employers in an authorized class must enter into an agreement with the board including terms set out by present law.

New law adds the Firefighters' Pension and Relief Fund in the city of New Orleans and the La. Uniform Sales Tax Bd. as participating employers in MERS. New law adds any local tax board or commission that has entered into an agreement with MERS pursuant to present law as a participating employer in MERS.

Relative to the Sabine Parish Sales and Use Tax Commission, new law is retroactive to Jan. 1, 2018.

Old law provided that any person receiving a retirement benefit from MERS who is again employed in a position that would otherwise make him a mandatory participant shall be subject to present law relative to reemployment of system retirees. New law repeals old law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 11:1733 and 1751; Adds R.S. 11:1732(14)(a)(xi), (xii), and (xiii))

MERS – Unfunded Accrued Liabilities (Act 112)

Present law requires each incorporated city, town, or village seeking participation in MERS to submit an agreement of coverage for extending benefits to its employees. Present law requires that if the employer terminates the agreement of coverage, the employer shall remit the portion of the unamortized frozen unfunded accrued liability existing on June 30th immediately prior to the date of termination that is attributable to the employer's participation in the system. Present law requires that the amount due shall be determined by the actuary employed by the system.

New law requires that the actuary use the entry age normal funding method to calculate the amount owed and provides that the employer is responsible for the total existing unfunded accrued liability attributable to the employer.

New law requires that if an employer eliminates an employee position or class of positions by contracting with a private entity for the work, the employer shall remit that portion of the unfunded accrued liability existing on June 30th immediately prior to the date of privatization that is attributable to the eliminated position or class of positions. The portion of the unfunded accrued liability shall be calculated and paid as provided by present law and new law.

Effective July 1, 2018.

(Amends R.S. 11:1733)

MERS – Pay-Out Options (Act 44)

Present law allows a member of MERS to elect, upon application for retirement, to receive his full benefit payable throughout his life (Option 1), or an actuarially reduced benefit payable throughout his life with one of the following provisions:

- (1) Upon his death the amount of his reduced benefit is paid to a designated beneficiary through the beneficiary's lifetime.
- (2) Upon his death, one-half the amount of his reduced benefit is paid to a designated beneficiary through the beneficiary's lifetime.
- (3) Some other benefit or benefits shall be paid to the member or the designated beneficiary, provided the other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be actuarially equivalent to his retirement allowance and shall be approved by the board.

New law adds the following two options:

- (1) Upon his death the amount of his reduced benefit is paid to a designated beneficiary through the beneficiary's lifetime. If the designated beneficiary dies before the retiree dies, the benefits payable to the retiree shall be increased to the Option 1 benefit effective on the first day of the next month following the death of the designated beneficiary.
- (2) Upon his death one-half the amount of his reduced benefit is paid to a designated beneficiary through the beneficiary's lifetime. If the designated beneficiary dies before the retiree dies, the benefits payable to the retiree shall be increased to the Option 1 benefit effective on the first day of the next month following the death of the designated beneficiary.

Both options require the retiree to notify the system of the death of the beneficiary and furnish to the system the beneficiary's death certificate.

Effective July 1, 2018.

(Amends R.S. 11:1757(A))

MERS – Vesting Period (Act 4)

Present law provides that a member of MERS Plan A or B who withdraws from active service prior to becoming eligible for retirement, who has at least 10 years of creditable service (the vesting period), and who has received no refund of his accumulated contributions, shall receive a retirement allowance beginning on his earliest normal retirement date.

New law reduces the vesting period for a Tier 2 member of MERS Plan A or B from 10 years to seven years.

Effective July 1, 2018.

(Amends R.S. 11:1760(A)(intro. para.); Adds R.S. 11:1789.6 and 1808.6)

MERS – Reemployment (Act 42)

Present law provides that a retiree of MERS who is reemployed in a full-time position shall have his retirement benefit suspended, but may accrue a supplemental retirement benefit if reemployed for at least 12 months. Present law provides that upon retirement after reemployment, MERS shall resume payment of his original retirement benefit and begin payment of any accrued supplemental benefit.

Old law provided that the supplemental benefit when combined with the original benefit shall not exceed the final compensation figure used to compute the original benefit.

New law provides that upon retirement after reemployment, the supplemental benefit when combined with the original benefit shall not exceed the final compensation figure used to compute the original benefit, or the supplemental benefit, whichever is greater.

Effective July 1, 2018.

(Amends R.S. 11:1762.1(B))

MERS – DROP (Act 111)

Present law allows a MERS member eligible for retirement to terminate active membership in MERS, enter into DROP, and have his regular retirement benefit payments paid into an account maintained by MERS. The duration of participation in DROP shall be specified and shall not exceed three years.

New law provides that if employer contributions on behalf of a DROP participant are suspended during the participation period as a result of interruption of employment, benefit payments into the participant's DROP account shall be suspended and the member's participation period shall be extended by the number of months his benefit payments were suspended; however, participation shall not exceed 36 nonconsecutive months.

Effective July 1, 2018.

(Amends R.S. 11:1763(C)(1) and (E))

MERS – Surviving Spouse Election (Act 185)

Present law provides that in order to receive the actuarial equivalent option, which is payable upon the death of the member, the surviving spouse shall elect such option and shall notify the system of the election within 90 days of the death of the member.

New law requires that the surviving spouse's notification of his election be made in writing.

(Amends R.S. 11:1785(A) and 1805(A)(2))

Registrars of Voters Employees' Retirement System (Act 255)

Present law allows a member of ROVERS who ceases to be an employee, except by death or retirement, to withdraw the amount of the accumulated contributions standing to his credit upon demand. Present law allows a former

member who withdrew his contributions and who returns to membership in the system to repay the amount he withdrew, plus interest, in exchange for credit for the service he forfeited at the time he withdrew, but only after remaining a contributing member for four years.

New law allows a former member who returns to membership in the system after withdrawing his contributions to repay the withdrawn amount as provided by present law immediately upon return to membership in the system.

Effective July 1, 2018.

(Amends R.S. 11:2075)

Registrars of Voters Employees Retirement System (Act 614)

Present law provides that the annual amount of the retirement allowance for any member of ROVERS who upon retirement has less than 30 years of creditable service shall be 3% of the average final compensation for each year of creditable service. New law restricts the application of the 3% allowance to creditable service in ROVERS.

Present law provides that the annual amount of the retirement allowance for any member of ROVERS who upon retirement has at least 30 years of creditable service, with at least 20 years of creditable service in ROVERS, shall be 3-1/3% of the average final compensation for each year of creditable service. New law restricts the application of the 3-1/3% allowance to creditable service in ROVERS.

Effective July 1, 2018.

(Amends R.S. 11:2165.5(A))

Municipal Police Retirement System (Act 345)

New law, relative to the Municipal Police Employees' Retirement System (MPERS), specifies that any payment of a survivor benefit to a child shall be in accordance with the definitions provided in new law.

New law defines the "surviving child" of a member to mean a child of the member by birth, adoption, or filiation who is also one of the following:

- (1) An unmarried person under age 18.
- (2) An unmarried student under age 23.
- (3) A person with a mental disability or total physical disability who is dependent on a legal guardian for subsistence.

New law provides that a child, for purposes of defining "surviving child," shall include the following:

- (1) The issue of a marriage of a member.
- (2) A legally adopted child of a member.
- (3) A child born of a female member of the system.
- (4) A child of a male member of the system, if a court has rendered a judgement of filiation declaring the paternity of such member for the child or the member has formally acknowledged the child.

New law defines "student" to mean a person who satisfies the following criteria:

- (1) Is enrolled in an accredited high school or postsecondary institution.
- (2) Is classified as full-time.

New law specifies that qualifying survivor's benefits are payable upon application therefor and become effective the day following the death of the member.

New law prohibits the board of trustees from collecting overpayments of a survivor benefit paid in administrative error prior to June 30, 2018, to the surviving child of a member whose death occurred on or before June 30, 2017, except in the case of fraud.

Effective June 30, 2018.

(Amends R.S. 11:2213, 2220(B)(2), 2241.8, and 2242.8; adds R.S. 11:2225(E))

Municipal Police Retirement System (Act 343)

Prior law, relative to the Municipal Police Employees' Retirement System (MPERS), provides for a definition of "average final compensation". New law provides for specificity of language relative to the definition.

Prior law provided that any disability retiree who is blinded or who loses the total use of a limb solely as a result of injuries sustained on or after July 1, 2003, in the performance of his official duties, and whose condition is certified by the State Medical Disability Board, shall receive a benefit equal to his final average compensation.

New law adds that a disability retiree who suffers a traumatic physical injury causing permanent damage to the brain or spinal cord as a result of injuries sustained on or after July 1, 2003, in the performance of his official duties, and whose condition is certified by the State Medical Disability Board, shall receive a benefit equal to his final average compensation.

Effective June 30, 2018.

(Amends R.S. 11:2220 and 2223)

Municipal Police Employees' Retirement System (Act 586)

Old law provided that a participating employer in the system that dissolves its police department shall pay the portion of the system's unfunded accrued liability (UAL) attributable to that employer existing on the June 30 prior to the dissolution, with interest. New law requires that the employer's UAL portion be calculated using the allocation percentage included in the prior fiscal year's employer pension report produced according to requirements established by the Governmental Accounting Standards Board.

Old law provided that if a participating employer does not dissolve its police department, but salaries upon which contributions are made by the employer are less than 70% of salaries from

the prior fiscal year, the employer shall pay the portion of the UAL attributable to that employer equal to the percentage decrease of salaries, with interest.

New law changes the qualification for payment of UAL from a 30% or greater decrease in salaries to a 30% or greater decrease in active members and DROP participants, with at least a reduction of two participating employees, or a decrease to zero participating employees. New law requires payment of UAL if the number of participating employees decreases by 50.

Old law provided that the employer shall choose to make payments either as a lump sum or equal monthly payments amortized over 10 years. New law provides that payments shall instead be amortized over 15 years in equal payments and shall be payable beginning July 1 of the fiscal year following the withdrawal.

New law provides that if the number of participating employees of an employer whose department was partially dissolved returns to or exceeds the number of participating employees prior to the partial dissolution, payments shall cease on the July 1 following the increase. Any payments made will be credited as an offset of any amounts due for any subsequent withdrawal that occurs within 15 years of such payment.

New law prohibits the board from collecting any payments as a result of a partial dissolution that occurred prior to July 1, 2018.

Effective July 1, 2018.

(Amends R.S. 11:2225.4)

Direct Rollovers of Retirement Funds (Act 109)

Present law authorizes the system to permit direct rollovers of sums from other qualified plans as provided by the Internal Revenue Code.

New law authorizes a recipient of funds from the system to directly rollover such funds into another retirement plan. New law defines applicable terms in conformity with the

provisions of federal law relative to tax-qualified defined benefit plans.

(Amends R.S. 11:2254)

FRS-DROP (Act 114)

Present law allows a member of FRS with at least 20 years of service who is eligible for retirement to elect to participate in DROP.

For a member who was eligible to participate in DROP on or after Jan. 1, 2004, present law provides that after leaving DROP, the participant may irrevocably elect for his individual account balance to earn the same interest rate as the system's investment portfolio, less the cost of merger notes and administrative costs, provided he waives the protection afforded by present law prohibiting the diminishment or impairment of retirement benefits (system rate account). If the participant does not elect to place his DROP balance in a system rate account, his balance shall be placed in money market investments chosen by the FRS board, to be credited with interest at the actual rate of return earned by the account, less 1/4% (money market account), or the FRS board may choose to place the funds in a self-directed account.

New law requires that the member's election be made prior to the end of the participation period, and eliminates the self-directed account as an option available to the board.

For a member eligible to participate in DROP on or after Jan. 1, 2019, new law provides that after leaving DROP, the participant may allocate the balance of his DROP account between a system rate account and a money market account, pursuant to all other conditions of present law. New law provides that such allocation shall be a one-time, irrevocable event. If the participant fails to choose an allocation within a prescribed period, the entire balance of his DROP account shall be irrevocably allocated to a money market account.

New law provides that a member eligible to participate in DROP between Jan. 1, 2004, and Dec. 31, 2018, and has a balance in his DROP

account may elect to allocate the balance of his DROP account as provided by new law upon the earlier of retirement or within six months of the effective date of this Act.

New law provides that a member with a balance in his DROP account as of Dec. 31, 2018, may convert the balance to a true annuity as provided by new law within six months of the effective date of this Act.

Effective July 1, 2018.

(Amends R.S. 11:2257)

Municipal Police Retirement System (Act 398)

Prior law provided that any member of the Municipal Police Employees' Retirement System (MPERS) who ceases to be an employee, except by death or retirement, may apply for and obtain a refund of his accumulated contributions.

New law provides that any member whose first employment making him eligible for membership in MPERS occurred prior to January 1, 2013, who receives a refund of all contributions as provided for by prior law and who returns to employment making him eligible for membership in MPERS, shall enter the system as a new member without regard to the dates of prior membership.

Prior law allowed a member who has received a refund of his contributions pursuant to prior law to repay the refund with interest and obtain credit for his previous service in the system, provided he has been employed in an MPERS-covered position for 18 months.

New law provides that an MPERS member who received a refund of his contributions before June 30, 2018, who returns to employment making him eligible for MPERS membership may reestablish membership in the system under the plan provisions that applied to the member on the date he received his refund, by repaying the refund with interest calculated as provided in prior law within one year of returning to MPERS-covered employment.

Prior law provided that eligibility for membership in MPERS Hazardous Duty Subplan is limited to employees who, notwithstanding any temporal restrictions relative to qualifying for such pay, would be eligible to receive state supplemental pay by virtue of the employment.

New law adds eligibility for the subplan notwithstanding any Peace Officer Standards and Training (P.O.S.T.) council-certified training program requirements to the definition.

Effective June 30, 2018.

(Amends R.S. 11:2241.3(A); adds R.S. 11:2220(C)(4))

TITLE 12: CORPORATIONS AND ASSOCIATIONS

TITLE 13: COURTS AND JUDICIAL PROCEDURE

Setting of Court Costs and Fees (Act 553)

Present law provides that laws providing for a new or increased court cost or fee shall only be enacted if they are first submitted to the council for review and recommendation to the legislature as to whether the court cost or fee is reasonably related to the operation of the courts or court system. New law requires that the review and recommendation include certain specified factors.

New law changes the deadline for submitting a copy of the proposal to the Judicial Council from Jan. 15th of the calendar year in which the proposal is to be introduced to Oct. 15th of the calendar year before the proposal is to be introduced. New law changes the deadline for the council to notify the legislature of its recommendation from March 15th to March 1st.

Effective August 1, 2018.

(Amends R.S. 13:62(B))

Assignment of Appellate Panels (Act 658)

Prior law, relative to assignment and allotment of cases, provided in R.S. 13:319 that each civil and criminal proceeding and each application for writs shall be randomly assigned by the clerk, subject to the direct supervision of the court. New law changes "proceeding" to "appeal" and retains remainder of prior law.

New law adds in Code of Civil Procedure that assignment of appellate panels shall be in accordance with the provisions of R.S. 13:319.

Effective August 1, 2018.

(Amends R.S. 13:319; adds C.C.P. Art. 2164.1)

Convicts and Guns (Act 181)

Present law requires each district clerk of court to report to the La. Supreme Court, for reporting to the National Instant Criminal Background Check System database, certain identifying information of any adult who is prohibited from possessing a firearm, by reason of a conviction or adjudication in a court of that district for any of various listed conditions.

New law amends present law to require the reporting of an acquittal by reason of insanity or a court determination that the person does not have the mental capacity to proceed with a criminal trial for any crime, instead of limiting it to only those crimes listed in the provision of present law that prohibits the possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies. New law otherwise retains present law.

(Amends R.S. 13:753(A)(2) and (3))

Louisiana Clerks' Remote Access Authority (Act 202)

Present law only requires the LCRAA to be made up of district clerks of court that enrolled on or before Sept. 1, 2014.

New law requires every district clerk of court to become a member of LCRAA by July 1, 2020.

(Amends R.S. 13:754(C))

Insurance for Clerk's Office Retirees (Act 605)

Prior law provided that the clerk of court shall pay from the clerk's salary fund, 100% of the premium costs of the group life and accidental death and dismemberment, group health, accident, dental, hospital, surgical, or other medical expense insurance for any employee that retires with at least 20 years of full-time service, is at least 55 years of age, and is eligible to receive monthly benefits from the La. Clerk's of Court Retirement and Relief Fund.

Prior law applied in the parishes of Avoyelles, Bossier, Caddo, Caldwell, Cameron, Franklin, Grant, LaSalle, Ouachita, Terrebonne, Webster, and Winn.

New law adds clerks of court in Calcasieu Parish, Iberia Parish, Lafayette Parish, Pointe Coupee Parish, St. Martin Parish, West Feliciana Parish, and the Orleans Parish Civil District clerk of court and Orleans Parish Criminal District clerk of court.

Effective August 1, 2018.

(Amends R.S. 13:783(F)(7))

Acadia Parish Clerk of Court (Act 117)

New law requires the Acadia Parish clerk of court to pay the full amount of all insurance premiums for all retirees who have worked with the Acadia Parish clerk of court's office for 20 years and are at least 55 years of age.

(Adds R.S. 13:783(F)(10))

14th JDC Court Costs (Act 187)

Old law provided for court costs of \$5 in criminal court cases in the 14th JDC, and provides a \$3 court cost in civil cases in the 14th JDC.

New law increases the criminal court costs that are assessed to certain defendants from \$5 to a sum no greater than \$10, and increases the civil filing fee from \$3 to a sum no greater than \$20.

(Amends R.S. 13:964.1(C))

15th JDC (Act 447)

New law provides for an increase in civil and criminal court costs in the 15th JDC and requires the judges to set the fees to be paid to the court reporter.

(Amends R.S. 13:996.25(A); Adds R.S. 13:961(F)(1)(v))

Civil District Court (Act 326)

New law requires that the clerk deposit no less than 50% of the amounts collected to the Clerk's Salary Fund and 50% to the judicial expense fund after deductions of statutorily mandated charges and fees.

New law requires the clerk of court as the parish recorder to collect all charges and fees which are in effect for the recordation of records and documents in the parish of Orleans on Jan. 1, 2009, and provides that any increase or decrease in fees shall be as provided by the legislature. New law deletes the provision relating to an increase or decrease in fees.

(Amends R.S. 13:1213.2 and R.S. 44:181.4)

City Courts (Act 520)

Prior law requires that where a city court is composed of two or more divisions, a candidate for nomination and election to the court, at the time of filing his declaration as a candidate, must designate the division of the court for which he is a candidate. Prior law provided that the judge oldest in point of continuous service shall be the presiding (chief) judge, except that when they have served continuously the same length of time, the judge oldest in years shall be the presiding judge.

New law makes prior law applicable only to city courts with more than two divisions, and changes reference from "presiding judge" to "chief judge".

New law, relative to city courts composed of two divisions, requires that a candidate declare the

division of the court for which he is a candidate at the time of filing his declaration as a candidate, provides for the determination of the chief judge of the court, provides for the duties of the chief judge, provides that the chief judge shall remain in such position until resignation or retirement, and allows the judges, sitting en banc, to develop a procedure for the other judge to become a temporary chief judge in the event of the incapacitation of the chief presiding judge.

Effective August 1, 2018.

(Amends R.S. 13:1878)

Natchitoches City Court (Act 601)

New law increases the salary of the marshal of the City Court of Natchitoches to \$52,000. Otherwise retains prior law.

Effective upon signature of the governor (May 30, 2018).

(Amends R.S. 13:1883(I))

DWIs (Act 130)

Present law provides that prosecutions in any city, parish, or municipal court, based on or arising out of DWI, may be charged and prosecuted under the state law DWI provisions or under any applicable city, parish, or municipal ordinance that incorporates the standards, elements, and sentences of state DWI law.

Present law excepts the city, municipal and traffic courts of the city of New Orleans from this provision of present law. New law removes the exception for New Orleans city, municipal, and traffic courts.

Present law provides that when determining whether a defendant has a prior conviction for DWI, a conviction of vehicular homicide, third degree feticide, vehicular negligent injuring, first degree vehicular negligent injuring, or a similar law of any state or an ordinance of a municipality, town, or similar political subdivision of another state, shall constitute a prior conviction.

New law adds prosecutions under new law, R.S. 13:1894.1.

(Amends R.S. 13:1894.1 and R.S. 14:98)

Writs of Fieri Facias and Garnishments (Act 261)

New law allows the constable of a justice of the peace to receive a 6% fee for collecting money for execution of a writ of fieri facias, without either seizure or sale. The collected money shall be used for compensation and operational expenses of the ward constable's office.

New law amends present law to require that the sheriff, marshal, constable, or justice of the peace first receive the payment from certain garnishment proceedings for processing before the payment is made to the seizing creditor.

New law requires the garnishee, sheriff, marshal, or constable to make a reasonable effort to contact the creditor and obtain a current balance prior to releasing or terminating any garnishment.

(Amends R.S. 13:2590)

4th JDC Fees and Expenses (Act 268)

New law requires any surplus witness and juror fees collected by the 4th Judicial District to be transferred to the judicial expense fund.

(Adds R.S. 13:3049(B)(1)(e)(vii) and R.S. 15:255(T))

Defamation Suits and Sexual Abuse Victims (Act 359)

New law provides that a court shall stay proceedings in cases of defamation of character, libel, slander, or damage to reputation brought by an alleged perpetrator of sexual misconduct against the alleged victim. New law provides that the stay shall remain until the completion of all investigations, hearings, or proceedings relating to the allegations of sexual misconduct.

New law provides that if the court determines that the defamation of character, libel, slander, or

damage to reputation claim brought by an alleged perpetrator is fraudulent or frivolous, the court shall order the plaintiff to pay all court costs and reasonable attorney fees and the defendant is entitled to exemplary damages.

New law provides that there is no limit to the amount of exemplary damages a defendant may receive.

New law provides that the party instituting the suit against an alleged victim waives all privileges and protections relating to the findings and evidence of the investigation, hearing, or proceeding on the allegations of sexual misconduct.

New law provides that the waiver does not apply to attorney-client privilege.

New law provides that a defendant shall not be required to prepay costs to file an answer in a defamation of character, libel, slander, or damage to reputation claim brought pursuant to new law.

Effective August 1, 2018.

(Adds R.S. 13:3381 - 3383)

Coroners and Health Records (Act 144)

New law allows a coroner to obtain blood, urine, or other biological fluids or samples relevant to an investigation without authorization, subpoena, or court order. New law clarifies that under prior law, a coroner is authorized to have access to such records during an investigation.

New law provides that no health care provider or custodian of records shall be held civilly or criminally liable for releasing a deceased patient's blood, urine, or other biological fluids or samples to a requesting coroner.

Effective August 1, 2018.

(Adds R.S. 13:3734(H))

Legislative Continuance (Act 180)

Present law provides a member of the legislature or a legislative employee the ability to file a motion for a legislative continuance or extension of time while the legislature is in session.

New law retains present law and provides for the filing of a motion for a legislative continuance to be done at no cost to a member of the legislature, a legislative employee, or their client.

(Amends R.S. 13:4163(D))

Personal Injury Suits Against State (Act 178)

Present law provides that in any suit for personal injury against the state or a state agency wherein the court determines that the claimant is entitled to medical care and related benefits that may be incurred subsequent to judgment, the court shall order that all medical care and related benefits incurred subsequent to judgment be paid from the Future Medical Care Fund.

New law limits the court's order to require payment of the medical care and related benefits that the court determines the claimant is entitled to, only.

(Amends R.S. 13:5106(B)(3)(c))

Sheriff's Certification Program (Act 123)

New law allows elected sheriffs to receive a nontransferable 7% salary increase for participation in the La. Sheriffs' Certification Program. Participation requirements and eligibility include the completion of training, certification, or education requirements or the attainment of law enforcement experience. New law provides that the La. Sheriffs' Executive Management Institute Board shall govern the program.

Effective July 1, 2020.

(Adds R.S. 13:5521.1)

Caddo Parish Sheriff's Office (Act 140)

Present law authorizes the sheriff of each parish to pay the insurance premiums of the sheriff, sheriff deputies, and dependents of sheriff and sheriff deputies. The sheriff may contract with any insurance company authorized to do business in this state for group life and accidental death and dismemberment, group health, accident, dental, hospital, surgical, or other medical expense and group disability insurance.

Old law required the sheriff of certain parishes, including Caddo, to pay these premiums in full for their employees that (i) retired with at least 15 years of service and at least 55 years of age or (ii) retired with at least 30 years of service at any age.

New law requires the Caddo Parish Sheriff to pay the insurance premiums for retired sheriff and sheriff deputies hired on or after July 1, 2018, and retire with at least 20 years of creditable service who are at least 55 years of age, or retire with at least 30 years of service at any age.

(Adds R.S. 13:5554(G)(7))

East Feliciana Parish Sheriff's Office (Act 505)

New law requires the East Feliciana Parish Sheriff to pay the insurance premiums for retired sheriff and sheriff deputies hired on or after July 1, 2018, depending on their years of service.

(Adds R.S. 13:5554(G)(7))

Jefferson Davis Parish Sheriff's Office (Act 279)

New law requires the Jefferson Davis Parish Sheriff's Office to pay group insurance premiums and the first \$10,000 of life insurance for the sheriff's general fund for eligible sheriff and deputy sheriff retirees hired on or after July 1, 2018, who have at least 15 years of service with Jefferson Davis Parish Sheriff's Office and are at least 55 years of age. Additionally, present law still applies to all sheriff and sheriff deputies hired prior to July 1, 2018.

(Adds R.S. 13:5554(II))

Cameron Parish Sheriff's Office (Act 116)

New law requires the Cameron Parish Sheriff's Office to pay group insurance premiums and the first \$10,000 of life insurance from the sheriff's general fund for eligible sheriff and deputy sheriff retirees hired on or after July 1, 2018, who have at least 15 years of service with the Cameron Parish Sheriff's Office and are at least 55 years of age.

(Adds R.S. 13:5554(II))

Vermilion Parish Sheriff's Office (Act 518)

New law provides the sheriff of Vermilion Parish shall pay out of the sheriff's general fund the premium costs of group insurance for any retired sheriff and any retired deputy sheriff who retires from the Vermilion Parish Sheriff's Office (office) according to new specified criteria.

New law shall apply only to sheriffs and deputy sheriffs hired by the office on or after July 1, 2018.

New law provides that the general provisions of prior law shall apply to sheriffs and deputy sheriffs hired by the office prior to July 1, 2018.

Effective July 1, 2018.

(Adds R.S. 13:5554(II))

Death Investigation Documents (Act 621)

Present law provides that the Dept. of Children and Family Services may obtain certain information concerning the death of a minor from the coroner, at no charge.

New law adds that the department may obtain information on other findings of abuse or neglect of a minor, and adds the requirement that the coroner notify the Dept. of Children and Family Services if he finds the cause of death of a minor child was due to abuse or neglect or finds evidence of abuse or neglect. The coroner is required to report this findings in a timely manner or immediately when requested to protect any other minor children.

New law provides that a fact of death letter, which constitutes proof of death, is a public record.

New law provides that a death investigation report is the work product of a coroner and is not a public record. However, it can be made available to law enforcement agencies at no charge upon request and is subject to subpoena.

New law provides that a coroners' report is a public record and shall be released to the news media, the Dept. of Children and Family Services, when appropriate, the next of kin, or any other person. New law does not require the release of certain information in non-coroner cases nor does it prohibit the coroner from releasing information to the department pursuant to certain provisions of present law.

New law provides that a post-mortem forensic medical examination report, known as an autopsy report, contains information including contact information of the decedent, the names of persons performing or present at the autopsy, a summary of the medical findings, and the cause and manner of death. This report is not a public record except when ordered released pursuant to a court order or when the report involves criminal activity or the death of a person in the custody of law enforcement or a corrections entity. New law provides for this report to be made available to law enforcement at no charge, to the next of kin, and to the decedent's physician.

New law authorizes the coroner to provide certain documents to the La. Dept. of Health, office of public health, for certain public health purposes. The office of public health shall treat these documents as confidential and the documents are not subject to be released pursuant to a public records request or subpoena to the La. Dept. of Health or office of public health.

(Amends R.S. 13:5713 and R.S. 44:19(A)(3); Repeals R.S. 13:5714(C))

Disposition Expenses for Paupers (Act 229)

Prior law provided that the disposition expenses for paupers shall be paid by the parish or municipality in which the death occurred.

New law provides that disposition expenses for paupers shall be paid by the parish or municipality of the decedent's domicile if located in Louisiana.

New law provides that if the decedent's domicile is not in Louisiana, the parish or municipality where the death occurred and the coroner servicing that parish or municipality shall assume jurisdiction of the case and accept the remains for future disposition.

Prior law provided that disposition expenses of patients or residents of state-operated health care or treatment facilities be paid by the state. New law retains prior law.

Prior law provided that the state or any municipality or parish may establish a maximum amount to be paid for individual disposition expenses. New law provides that the state or any coroner may establish a maximum amount to be paid for individual disposition expenses.

Effective August 1, 2018.

(Amends R.S. 13:5715(A)(2))

City Constables and Marshal Fees (Act 457)

New law provides a fee schedule for all city marshals and constables except for those serving in Orleans Parish and nine specified cities. New law contains specific provisions applicable to those cities and Orleans Parish.

New law increases the fee to \$30 for all matters that pertain to service or returns of all legal documents, execution of writs, newspaper advertisements, and executions of writs of possession or ejectment. New law repeals the present law fee schedule applicable only to the city of Hammond.

New law provides that 60% of the funds collected, except for funds collected for execution of an order of seizure and sale, execution of a writ, and certain other services or duties, shall be used for the purchase or updating of necessary equipment and officer training to carry out the efficient performance of the duties of constables and marshals.

New law is contingent upon the recommendation by the Judicial Council.

(Amends R.S. 13:5807; Repeals R.S. 13:5807.2)

TITLE 14: CRIMINAL LAW

Abortion (Act 674)

New law adds the following as "crimes of violence": criminal abortion, first degree feticide, second degree feticide, third degree feticide, and aggravated criminal abortion by dismemberment.

New law prohibits "coerced abortion" and defines the term to mean when any person intentionally engages in the use or threatened use of physical force against the person of a pregnant woman, with the intent to compel the pregnant woman to undergo an abortion against her will, whether or not the abortion procedure has been attempted or completed.

New law provides that the penalties for violating new law include a fine of not more than \$5,000, imprisonment for not more than five years, or both.

Effective upon signature of governor (June 1, 2018).

(Adds R.S. 14:2(B)(48)-(52) and 87.6)

Crimes of Violence and Relatives and Dating Partners (Act 293)

New law provides that when the crime of battery of a dating partner or domestic abuse battery involves strangulation or a pregnant victim, or is committed in the presence of a child who is 13 years of age or younger, the offender, in addition to any other penalties imposed, shall be

imprisoned at hard labor for not more than three years.

With respect to offenses which result in serious bodily injury to the victim, new law adds that (i) if by means other than burning, the offender, in addition to any other penalties imposed, shall be imprisoned at hard labor for not more than eight years, and (ii) if by burning, the offender, in addition to any other penalties imposed, shall be imprisoned at hard labor for not less than five nor more than 50 years without benefit of parole, probation, or suspension of sentence.

Present law provides a list of 43 offenses that are included as "crimes of violence."

New law adds the following present law crimes to the list of crimes of violence:

- (1) Domestic abuse battery that results in serious bodily injury to the victim.
- (2) Battery of a dating partner that results in serious bodily injury to the victim.
- (3) Violation of protective orders if the violation involves a battery or any crime of violence against the person for whose benefit the protective order is in effect.

Present law provides increased penalties for second or subsequent convictions of the crime of domestic abuse battery.

New law adds that a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state which prohibits the intentional use of force or violence committed by one dating partner upon another dating partner shall also constitute a prior conviction.

Present law provides that any person who has been charged with or has been sentenced for any crime of violence, or any immediate family member of such person, shall be prohibited from communicating with a victim of the offense or any of the victim's immediate family members. New law expands the law to offenders who are charged with or who have been sentenced for an

offense, that is a felony, committed upon a family member, household member, or dating partner.

New law provides that when a person is so prohibited from communicating with another person, the judge shall cause to be prepared a Uniform Abuse Prevention Order, which shall be forwarded to the clerk of court for filing and transmittal to the Judicial Administrator's Office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry. New law further requires the clerk of court to send a copy to the chief law enforcement officer of the parish where the person or persons protected by the order reside.

New law adds that if an order is issued, it shall be presumed that the defendant poses a credible threat to the physical safety of the person or persons protected by the order, and the court shall order that the defendant be prohibited from possessing a firearm for the duration of the order.

New law repeals the present law penalties for persons who violate the prohibition and provides that such persons shall be subject to the present law crime of violation of protective orders.

New law amends the crime of violation of protective orders to include orders issued pursuant to the provisions of new law which prohibit any person who has been charged with or has been sentenced for any crime of violence from communicating with the victim of the offense or any member of the victim's immediate family.

(Amends R.S. 14:34.9 and 35.3 and R.S. 46:1846; Adds R.S. 14:2(B)(48), (49), and (50), 34.9(M), 35.3(N), and 79(A)(3)(d) and R.S. 46:1846(F))

Stalking (Act 282)

New law authorizes the court to order that a defendant convicted of stalking be prohibited from possessing a firearm for the duration of the Uniform Abuse Prevention Order.

(Adds R.S. 14:40.2(F)(5))

Rape and Sexual Battery (Act 407)

Prior law provided relative to the crimes of rape and sexual battery. Prior law further provided that lack of consent is an element of these crimes under certain circumstances.

New law adds that for purposes of the crimes of rape and sexual battery, a person is deemed incapable of consent when the person is under arrest or otherwise in the actual custody of a police officer or other law enforcement official and the offender is a police officer or other law enforcement official who either:

- (1) Arrested the person or was responsible for maintaining the person in actual custody.
- (2) Knows or reasonably should know that the person is under arrest or otherwise in actual custody.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 14:41.1)

Intentional Exposure to HIV (Act 427)

Present law provides that no person shall intentionally expose another to any acquired immunodeficiency syndrome (AIDS) virus through any means or contact, without the knowing and lawful consent of the victim. Present law provides for enhanced penalties when the person exposed is a police officer.

New law changes the elements to apply to the human immunodeficiency virus (HIV) instead of acquired immunodeficiency syndrome (AIDS), and adds the requirement that at the time of the exposure the infected person knew he was HIV positive.

New law removes the definition of "means or contact" and amends the definition of "police officer" to include licensed emergency medical services practitioners and firefighters.

New law provides for the following affirmative defenses to the crime:

- (1) The person exposed to HIV knew the infected person was infected with HIV, knew the action could result in infection with HIV, and gave consent to the action with that knowledge.
- (2) The transfer of bodily fluid, tissue, or organs occurred after advice from a licensed physician that the accused was noninfectious and the accused disclosed his HIV-positive status to the victim.
- (3) The HIV-positive person disclosed his HIV-positive status to the victim and took practical means to prevent transmission as advised by a physician or other healthcare provider, or is a healthcare provider who was following professionally accepted infection control procedures.

(Amends R.S. 14:43.5)

Negligent Arson (Act 576)

New law creates the crime of negligent arson and defines it as the damaging of any building of another when the offender's criminal negligence causes the fire or the explosion.

New law provides that if the offender knows or should have known that he has no possessory right to the building or other interest in it, or has not previously established a right of entry into or onto the building, it may be inferred that the setting of the fire or the causing of the explosion was without consent of the owner or custodian of the building.

New law requires that whoever commits the crime of negligent arson, where it is not foreseeable that human life might be endangered, the offender, on first conviction, be fined not more than \$1,000 or imprisoned for not more than six months and is required to pay restitution for the damage sustained.

New law requires that on second and subsequent conviction, the offender be fined not more than \$2,000 and imprisoned for not more than two years and is required to pay restitution for the damages sustained.

New law requires that whoever commits the crime of negligent arson when it is foreseeable that human life might be endangered be fined not more than \$3,000 and imprisoned, with or without hard labor, for not more than three years, and shall be ordered to pay restitution.

New law requires that whoever commits the crime of negligent arson resulting in death or serious bodily injury to a human being shall be fined not more than \$5,000, or imprisoned, with or without hard labor, for not more than five years, and in addition must pay restitution.

New law defines "serious bodily injury" as bodily injury that involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

New law requires that persons convicted of the crime of negligent arson register with the state fire marshal in accordance with current law requiring the registration of certain arson offenders.

New law does not apply to commonly accepted practices of prescribed burning of agricultural and forestry land.

Effective upon signature of governor (May 31, 2018).

(Adds R.S. 14:52.2 and R.S. 15:562.1(3)(j))

Critical Infrastructure Crimes (Act 692)

Present law provides for the crime of unauthorized entry of a critical infrastructure. Old law defined "critical infrastructure" as any chemical manufacturing facility, refinery, electrical power generating facility, electrical transmission substation and distribution substation, water intake structure and water

treatment facility, natural gas transmission compressor station, liquified natural gas (LNG) terminal and storage facility, natural gas and hydrocarbon storage facility, and transportation facility, such as ports, railroad switching yards, and trucking terminals.

New law amends the definition of "critical infrastructure" to include any and all structures, equipment, or other immovable or movable property located within or upon such facilities, including any site where the construction or improvement of any such facility or structure is occurring, and include "pipeline" which is defined to mean flow, transmission, distribution, or gathering lines, regardless of size or length, which transmit or transport oil, gas, petrochemicals, minerals, or water in a solid, liquid, or gaseous state.

New law amends the penalties to reduce the maximum prison term from 6 years to 5.

New law creates the crime of criminal damage to a critical infrastructure and defines it as the intentional damaging of a critical infrastructure, and provides for the following penalties:

- (1) Imprisonment with or without hard labor for not less than one year nor more than 15 years, a fine of not more than \$10,000, or both.
- (2) If it is foreseeable that human life will be threatened or operations of a critical infrastructure will be disrupted as a result of the conduct - imprisonment at hard labor for not less than six years nor more than 20 years, a fine of not more than \$25,000, or both.

New law authorizes the court to order that the person make restitution to the owner of the property.

New law creates the crime of conspiracy to engage in unauthorized entry of a critical infrastructure or to engage in criminal damage to a critical infrastructure, and provides for the following penalties:

- (1) If two or more persons conspire to commit the crime of unauthorized entry of a critical infrastructure, each person shall be imprisoned with or without hard labor for not more than five years, fined not more than \$10,000, or both.
- (2) If two or more persons conspire to commit criminal damage to a critical infrastructure, each person shall be imprisoned with or without hard labor for not less than one year nor more than 15 years, fined not more than \$100,000, or both.
- (3) If two or more persons conspire to commit criminal damage to a critical infrastructure wherein it is foreseeable that human life will be threatened or operations of a critical infrastructure will be disrupted as a result of such conduct, each person shall be imprisoned at hard labor for not less than six years nor more than 20 years, fined not more than \$250,000, or both.

(Amends R.S. 14:61; Adds R.S. 14:, 61.1, and 61.2)

Vertical Purple Paint Lines (Act 347)

Present law provides that no person can enter any structure, watercraft, or movable, or any immovable property, owned by another without express, legal, or implied authorization.

New law adds that, although it is not required by law, notice that entrance upon any structure, watercraft, movable, or immovable property owned by another is prohibited may be indicated by either of the following:

- (1) A sign or signs posted on or in the property at a place or places where such sign or signs may be reasonably expected to be seen.
- (2) The placement of identifying purple paint marks on the trees or posts on the property, provided that such marks are:

- (a) Vertical lines of not less than eight inches in length and not less than one inch in width.
- (b) Placed so that the bottom of the mark is not less than three feet from the ground nor more than five feet from the ground.
- (c) Placed at locations that are readily visible to any person approaching the property and no more than 100 feet apart on forest land, as defined in prior law, or 1,000 feet apart on land other than forest land.

Present law provides that no person may, without authority, go into or upon or remain in or upon or attempt to go into or upon or remain in or upon any structure, watercraft, or any other movable, or immovable property, that belongs to another after having been forbidden to do so, either orally or in writing, including by means of any sign, by any owner, lessee, or custodian of the property or by any other authorized person. "Sign" includes a sign or signs posted on or in the movable or immovable property, where such sign or signs may be reasonably expected to be seen.

New laws adds that "sign" includes the placement of identifying purple paint marks on the trees or posts on the property, provided that such marks are placed as indicated above.

Present law provides that no person may incite, solicit, urge, encourage, exhort, instigate, or procure any other person to go into or upon or to remain in or upon any structure, watercraft, or any other movable, that belongs to another, knowing that such other person has been forbidden to go or remain there, either orally or in writing, including by means of any sign, by the owner, lessee, or custodian of the property or by any other authorized person. "Sign" includes a sign or signs posted on or in the structure, watercraft, or any other movable, where such sign or signs may be reasonably expected to be seen.

New law adds that "sign" includes the placement of identifying purple paint marks on the trees or

posts on the property, provided that such marks are placed as indicated above.

Effective August 1, 2018.

(Amends R.S. 14:63.3(A) and 63.4(A); adds R.S. 14:63(J))

Theft from Merchants (Act 303)

New law provides that intent to permanently deprive a merchant of property held for sale may be inferred when the defendant:

- (1) Intentionally conceals, on his person or otherwise, goods held for sale.
- (2) Alters or transfers any price marking reflecting the actual retail price of the goods.
- (3) Transfers goods from one container or package to another or places goods in any container, package, or wrapping in a manner to avoid detection.
- (4) Willfully causes the cash register or other sales recording device to reflect less than the actual retail price of the goods.
- (5) Removes any price marking with the intent to deceive the merchant as to the actual retail price of the goods.
- (6) Damages or consumes goods or property so as to render it unmerchantable.

(Adds R.S. 14:67(D))

Theft of Livestock or Timber (Act 68)

New law reenacts the provisions of law regarding theft of livestock and theft of timber which were repealed by Act No. 281 of the 2017 R.S. For the crime of theft of livestock, new law provides for criminal penalties including a fine of \$5,000, imprisonment with or without hard labor, for not more than 10 years, or both. For the crime of theft of timber, new law provides for criminal penalties dependent upon the value of the timber taken.

(Adds R.S. 14:67.1 and 67.2)

Identity Theft (Act 401)

Present law defines the crime of identity theft as the intentional use, possession, transfer, or attempted use, with fraudulent intent, by any person of any personal identifying information of another person to obtain, possess, or transfer, whether contemporaneously or not, credit, money, goods, services, or any thing else of value without the authorization or consent of the other person. New law retains prior law.

Present law defines "personal identifying information" to include various identification, account, and card numbers and other information.

New law adds to the list a person's telephone number, when the telephone number is inserted into any person's caller identification system.

New law defines "caller identification system" as any device that displays or otherwise indicates to the person who is the recipient of a telephone call another person's name, telephone number, the name of a legitimate or fictitious business, or any other name or telephone number from which the telephone call purportedly originated.

Effective August 1, 2018.

(Amends R.S. 14:67.16)

Government Benefits Fraud (Act 707)

New law creates the crime of "government benefits fraud" and defines the crime as the act of any person who, with intent to defraud the state or any person or entity through any government benefits program administered by any state department, agency, or political subdivision, does any of the following:

- (1) Presents for allowance or payment any false or fraudulent claim for furnishing services or merchandise.
- (2) Knowingly submits false information for the purpose of obtaining greater compensation than that to which he is

legally entitled for furnishing services or merchandise.

- (3) Knowingly submits false information for the purpose of obtaining authorization for furnishing services or merchandise.
- (4) Knowingly makes or causes to be made a false statement or representation of material fact on an application for assistance, goods, or services when the false statement or representation is made for the purpose of determining the person's entitlement to receive benefits.
- (5) Knowingly conceals or fails to disclose any material fact affecting the applicant's or recipient's initial or continued entitlement to receive benefits.

New law provides that whoever commits the crime of government benefits fraud, shall be imprisoned for not more than five years, may be fined not more than \$20,000, or both.

New law provides that in addition to venue established by present law, venue is also proper in the 19th Judicial District Court, parish of East Baton Rouge.

New law provides that government benefits include any record, voucher, payment, money or thing of value, good, service, right, or privilege provided or administered by a state government entity.

(Adds R.S. 14:70.9)

Child Pornography (Act 682)

New law amends the penalties for a second or subsequent conviction for the intentional possession of pornography involving juveniles to add a minimum term of imprisonment of ten years without benefit of parole, probation, or suspension of sentence.

New law amends the penalties for a second or subsequent conviction for the distribution of or possession with the intent to distribute pornography involving juveniles to provide for a

minimum term of imprisonment of ten years without benefit of parole, probation, or suspension of sentence.

With regard to any parent, legal guardian, or custodian of a child who consents to the child's participation in pornography involving juveniles, new law increases the possible fine from \$10,000 to \$50,000.

Present law provides that whoever engages in the promotion, advertisement, or production of pornography involving juveniles shall be fined not more than \$15,000 and imprisoned at hard labor for not less than ten years or more than 20 years, without benefit of probation, parole, or suspension of sentence.

New law increases the possible fine from \$15,000 to \$50,000 and provides that on a second or subsequent conviction for the promotion, advertisement, or production of pornography involving juveniles, the person shall be fined not more than \$75,000 and imprisoned for not less than 20 years nor more than 40 years, without benefit of parole, probation, or suspension of sentence.

(Amends R.S. 14:81.1)

Prostitution (Act 663)

New law increases the fines for the purchase of commercial sexual activity, as follows:

- (1) 1st offense - Increases the possible fine from a maximum of \$500 to \$750.
- (2) 2nd offense - Increases the minimum fine from not less than \$250 to not less than \$1,500.
- (3) 3rd offense - Increases the minimum fine from not less than \$500 to not less than \$2,500.
- (4) When the offender knows that the victim is under the age of 18 or known to be a victim of human trafficking, a minimum fine is set at \$3,000.

- (5) When the offender knows that the victim is under the age of 14, a minimum fine is set at \$5,000.

New law provides that the first \$500 or 50% of the fine, whichever is greater, shall be distributed by the sheriff or the executive officer of the court for the administration of the court and the remainder of the fine shall be distributed as follows:

- (1) 25% to the sheriff or law enforcement agency that made the arrest to be used for training officers in recognizing and preventing human trafficking.
- (2) 25% to the district attorney, to be paid to a program for victim services that counsels, treats, and helps victims of human trafficking or those who are charged or convicted of prostitution.

New law provides that, in addition to a fine or jail term, the court will order the offender to complete the Buyer Beware Program to educate offenders about the harms, exploitation, and negative effects of prostitution. The court shall impose additional court costs in the amount of \$200 to defer the costs of the program, with the proceeds of the fine being paid to the operator of the Buyer Beware Program.

New law increases the fines for soliciting for prostitutes, as follows:

- (1) 1st offense - Increases the possible fine from a maximum of \$500 to \$750.
- (2) 2nd or subsequent offense - Adds an additional fine of not less than \$1,500 to not less than \$2,000.
- (3) When the offender is under the age of 18 or known to be a victim of human trafficking, the minimum fine is set at \$3,000.
- (4) When the victim is a minor under the age of 14, a minimum fine is set at \$5,000.

New law provides that the first \$500 or 50% of the fine, whichever is greater, shall be distributed by the sheriff or the executive officer of the court for the administration of the court and the remainder of the fine shall be distributed as follows:

- (1) 25% to the sheriff or law enforcement agency that made the arrest, to be used for training officers in recognizing and preventing human trafficking.
- (2) 25% to the district attorney, to be paid to a program for victim services that counsels, treats, and helps victims of human trafficking or those who are charged or convicted of prostitution.

Present law provides that the district attorney for each judicial district may create and administer a diversion program for defendants charged with an offense in which the defendant engaged in the purchase of sexual activity, unless the offense involves the purchase of sexual activity from a minor.

New law authorizes district attorneys, at their discretion, to be the operator of the program using his own office personnel or he may choose a vendor as the operator of the program.

New law names the program the Buyer Beware program and provides that the program will not only be for pre-trial diversion but shall also be a requirement for post conviction sentencing.

New law clarifies that the Buyer Beware program will be established to educate the defendant or the offenders about the harms, exploitation, and negative effects of prostitution.

New law provides that, if the district attorney fails to develop a program, the court shall order that the offender, who is sentenced for the purchasing of commercial sexual activity or for soliciting for prostitutes, to attend a certain number of sexual addiction recovery meetings with a local recovery group.

New law provides that, if the district attorney fails to develop a program and there is no local

recovery group for sexual addiction within the judicial district or within a 50-mile radius of the offender's home, the court shall order that the offender, who is sentenced for the purchasing of commercial sexual activity or for soliciting for prostitutes, to complete an online course which educates defendants or offenders about the harms, exploitation, and negative effects of prostitution.

Effective August 1, 2018.

(Amends R.S. 14:82.2 and 83 and R.S. 15:243; adds R.S. 15:539.4)

Fetal Organ Whistleblowing (Act 645)

Present law prohibits the cutting, resection, excision, harvesting, removal, sale, receipt, research, commerce, or transport of fetal organs, tissues, and body parts under circumstances defined by prior law.

New law provides that the district attorney of the parish where a violation of present law occurs and the attorney general have concurrent authority to collect evidence, investigate, and institute criminal proceedings for any violation of present law.

New law creates the Fetal Organ Whistleblower Account in the state treasury. Requires that the account be composed of any monies derived from appropriations by the legislature and any gift, grant, devise, donation, or bequest of monies or properties of any nature or description.

New law provides that an award of \$1,000 is to be paid out of the Fetal Organ Whistleblower Account to any person who provides evidence that results in the arrest and indictment of any other person for a violation of law relative to fetal organs, tissues, and body parts. Eligibility for an award is to be determined by the district attorney or the attorney general, as appropriate.

New law requires that the name and other identifying information of any person who is paid an award from the account remain confidential.

Effective upon signature of the governor (June 1, 2018).

(Adds R.S. 14:87.3(F))

Sexual Abuse of Animals (Act 485)

Prior law provided that crime against nature includes the unnatural carnal copulation by a human being with another of the same sex or opposite sex or with an animal.

New law deletes unnatural carnal copulation by a human being with an animal from the offense of crime against nature.

New law creates the crime of sexual abuse of an animal. New law provides that sexual abuse of an animal is the knowing and intentional performance of any of the following:

- (1) Engaging in sexual contact with an animal.
- (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
- (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
- (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
- (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
- (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
- (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) above.

New law does not apply to the following:

- (1) Accepted veterinary practices.
- (2) Artificial insemination of an animal for reproductive purposes.
- (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
- (4) Generally accepted practices related to the judging of breed conformation.

New law provides that in addition to any other penalty imposed, a person convicted of violating new law is to be ordered to:

- (1) Relinquish custody of all animals.
- (2) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.
- (3) Not reside in any household where an animal is present, engage in an occupation, whether paid or unpaid, involving animals, or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.
- (4) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment, and any costs associated with any evaluation or treatment ordered by the court must be paid by the defendant.
- (5) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.

New law provides that any law enforcement officer investigating a violation of new law may lawfully take possession of an animal that he has

reason to believe has been victimized under new law in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.

New law provides that any animal seized pursuant to new law is to be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.

New law provides that with respect to an animal seized and impounded, all provisions of prior law relative to animals treated cruelly apply to the seizure, impoundment, and disposition of the animal.

New law provides that prosecution under new law does not preclude prosecution under any other applicable provision of prior law.

New law provides that if a person convicted of the offense is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by prior law.

Effective upon signature of governor (May 25, 2018).

(Amends R.S. 14:89 and R.S. 15:541(24)(a); adds R.S. 14:89.3)

Sex Offenders (Act 5)

Present law provides for certain crimes and conditions of probation or parole which prohibit a sex offender from establishing a residence or being physically present within a specified distance of certain child care facilities, and from owning, operating, participating in the governance of, or working in, certain child care facilities.

New law updates the citations in present law to current definitions of various types of child care facilities.

(Amends R.S. 14:91.1, 91.2, 91.3, and 91.4 and R.S. 15:538)

Tobacco and Similar Products (Act 188)

Present law prohibits any manufacturer, distributor, retailer, or other person from knowingly selling or distributing any tobacco product, alternative nicotine product, or vapor product to a person under the age of 18.

Present law requires a sign to be displayed at the point of purchase, in not less than 30-point type, that reads "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE 18".

Present law prohibits a vending machine operator from placing 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".

New law adds that the sign displayed at the point of purchase and on the vending machine must 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.

Effective Nov. 1, 2018.

(Amends R.S. 14:91.8)

Cruelty to Juveniles (Act 479)

Prior law provided the penalty for cruelty to a juvenile shall be a fine of not more than \$1,000 or prison with or without hard labor for not more than 10 years, or both.

New law adds that if a person is convicted of cruelty to a juvenile and the victim is eight years old or younger, the penalty shall be imprisonment at hard labor for not more than 20 years.

Effective August 1, 2018.

(Amends R.S. 14:93(D))

Sexual Battery of Persons with Infirmities (Act 549)

Present law provides that whoever commits the crime of sexual battery of persons with infirmities shall be punished by imprisonment, with or without hard labor, for not more than ten years.

New law increases the term of imprisonment to not more than 20 years, and provides that if the victim is a resident of a nursing home, facility for persons with intellectual disabilities, mental health facility, hospital, or other residential facility and the offender is an employee of such home or facility, the offender shall be punished by imprisonment, with or without hard labor, for not more than 25 years.

New law provides that normal medical treatment and normal sanitary care shall not be construed as an offense under present law.

(Amends R.S. 14:93.5(B) and (D))

Switchblade Knives (Act 341)

New law repeals the prohibition on the manufacture, ownership, possession, custody, or use of any switchblade knife, spring knife, or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch, or similar contrivance located on the handle.

New law instead prohibits the intentional concealment of such knives on one's person.

New law exempts any knife that may be opened with one hand by manual pressure applied to the blade or any projection of the blade and certain knives that may be opened by means of inertia produced by the hand, wrist, or other movement.

(Amends R.S. 14:95(A)(4)(a); Repeals R.S. 14:95(J))

Concealed Weapons (Act 709)

New law adds former members of either house of the legislature to the list of persons who can lawfully carry a concealed weapon. New law provides that the former member of the legislature shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have on his person valid identification showing proof of status as a former member of the legislature.

New law does not apply to a former member of the legislature who is medically retired based upon any mental impairment, or who has entered a plea of guilty or nolo contendere to or been found guilty of a felony offense.

(Amends R.S. 14:95(K))

Unlawful Supply of Guns to Felons (Act 124)

Present law provides for the crime of illegally supplying a felon with a firearm, and provides criminal penalties including imprisonment for not more than five years and a potential fine of not less than \$1,000 nor more than \$5,000.

New law adds "with or without hard labor".

(Amends R.S. 14:95.1.1(B))

Bullet-Resistant Backpacks (Act 523)

Present law prohibits the wearing or possessing of body armor on school property, at school-sponsored functions, or in firearm-free zones, with exceptions.

New law provides an exception allowing students to carry, wear, or possess bullet-resistant backpacks on school property or a school bus.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 14:95.9(C)(8))

Reckless Operation of an Off-Road Vehicle (Act 415)

New law creates the crime of reckless operation of an off-road vehicle. New law provides that reckless operation of an off-road vehicle is the operation of any off-road vehicle in a criminally negligent or reckless manner upon any public roadway or right of way.

Defines "off-road vehicles" as three-wheelers, four-wheelers, dirt bikes, or other all-terrain vehicles that are not specifically designed for use on public roads and highways.

New law provides various acts that may constitute reckless operation of an off-road vehicle.

New law provides that it shall be unlawful for a person to solicit or to assist in soliciting participation in any rally, ride, or gathering that encourages the violation of new law by the use of a computer online service, internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, internet chat room, electronic mail, social media, or online messaging service.

New law provides that any drivers of motor vehicles participating in or traveling in support of persons in violation of new law shall be considered in violation of new law, including persons who directly participate by photographing or filming violations of new law to document the activity for the riders.

New law provides that in addition to a fine or imprisonment, or both, the court shall order, upon motion of the prosecuting district attorney, that the off-road vehicle being operated by the offender at the time of the offense be seized and impounded and destroyed under certain circumstances.

New law provides an exception to the off-road vehicle being destroyed if it was stolen, or if the driver of the off-road vehicle at the time of the violation was not the owner and the owner did not know that the driver was operating the off-road vehicle in violation of new law. New law

provides that the off-road vehicle shall not be released from impoundment until towing and storage fees have been paid, and that the off-road vehicle shall not be destroyed if the towing and storage fees are paid by a valid lien holder.

New law allows the district attorney, if he chooses, to file a written motion at least five days prior to sentencing, indicating his intention to have the off-road vehicle seized, impounded and destroyed. In such instances, new law requires the court to order the seizure and impoundment and, unless the exception in new law applies, the destruction.

Effective August 1, 2018.

(Adds R.S. 14:99.2)

Transporting Live Feral Swine (Act 681)

New law prohibits transporting live feral swine by any person not in possession of proof of registration as a feral swine authorized transporter with the La. Board of Animal Health within the Dept. of Agriculture and Forestry.

New law defines "feral swine" as any hog, pig, or swine species, including, but not limited to, Russian and European wild boar and their hybrids, that are running at large, free roaming, or wild upon public or private lands in this state, and includes any hog, pig, or swine species that has lived any part of its life running at large, free roaming, or wild, and includes any feral phenotype swine, whether or not running at large, free roaming, or wild.

New law provides for penalties of a fine not more than \$900, or imprisonment for not more than six months, or both.

(Adds R.S. 14:102.28)

False Alarm of Emergency (Act 348)

New law provides that no person may, with the intent to cause an emergency response by any law enforcement agency or other first responder, in the absence of circumstances requiring such response, knowingly communicate or transmit

false or misleading information indicating that conduct has taken place, is taking place, or will take place that may reasonably be believed to constitute a violation of the criminal law of any state or the U.S. or that may reasonably be believed to endanger public health or safety.

New law provides a range of penalties for a violation, including, if an emergency response results and death occurs, imprisonment at hard labor for not less than ten years nor more than 40 years.

New law provides that, the court is to order the defendant to reimburse the appropriate party or parties for any expenses incurred for an emergency response resulting from the commission of the offense.

New law provides that a person ordered to make reimbursement is jointly and severally liable for such expenses with any other person who is ordered to make reimbursement for the same expenses.

New law provides that an order of reimbursement, for purposes of enforcement, is to be treated as a civil judgment.

Effective upon signature of governor (May 20, 2018).

(Adds R.S. 14:126.1.1)

Publication of Certain Criminal Record Information (Act 385)

New law prohibits the publication of certain criminal record information or juvenile record information. New law provides that no person or business entity is allowed to:

- (1) Publish confidential juvenile record information or confidential criminal record information of a child.
- (2) Publish any criminal history record or criminal history record information in the person's or business entity's possession with respect to which the person or

business entity has received notice that either:

- (a) An order of expungement has been entered.
 - (b) An order of nondisclosure has been issued by a court of competent jurisdiction.
- (3) Charge a fee to remove, correct, or modify any criminal history record or criminal history record information that the person or business entity has published.
 - (4) Continue to publish an incomplete or inaccurate criminal history record or inaccurate criminal history record information.

New law provides that a person or business entity may publish confidential juvenile record information or confidential criminal record information of a child if:

- (1) The child who is the subject of the records gives written consent to the publication on or after the child reaches the age of 18 years.
- (2) The publication of the information is authorized or required by any other provision of law.

New law provides that a person or business entity must ensure that a criminal history record or criminal history record information that the person or business entity publishes is complete and accurate. New law further provides that a criminal history record or criminal history record information is "complete" if the information reflects the notations of arrest and the filing and disposition of criminal charges, as applicable. New law provides that a criminal history record or criminal history record information is "accurate" if the information reflects the most recent information received by the entity from a law enforcement agency, criminal justice agency, or any other governmental entity within 60 days preceding the date of publication.

New law provides that the person or business entity must clearly and conspicuously publish an email address, facsimile transmission number, or mailing address in order to enable a person who is the subject of a criminal history record or criminal history record information published by the person or business entity to dispute the completeness or accuracy of the published information.

New law provides that if a person or business entity receives a dispute regarding the completeness or accuracy of a criminal history record or criminal history record information from a person who is the subject of the published information, the person or business entity must, within 30 business days of receiving the notice of the dispute, verify with the appropriate law enforcement agency, criminal justice agency, or any other governmental entity, without cost to the person, the disputed information.

New law provides that if the person or business entity finds an incomplete or inaccurate criminal history record or inaccurate criminal history record information after conducting an investigation, the person or business entity must promptly remove the inaccurate information from the website or other publication or promptly correct the information, as applicable.

New law provides that the person or business entity must provide written notice to the person who disputed the completeness or accuracy of published information of the results of an investigation not later than the fifth business day after the date on which the investigation is completed.

New law provides that if a person or business entity receives a written notice from any person that the person or business entity is publishing information in violation of new law, the person or business entity must immediately remove the information from the website or publication. New law provides that if the person or business entity confirms that the information is not confidential juvenile record information or confidential criminal record information of a child and the publication of the information is not otherwise

prohibited, the person or business entity may republish the information.

New law applies to the following:

- (1) A person or business entity that publishes a criminal history record or criminal history record information, including information originally obtained pursuant to a public records request or purchased or otherwise obtained from a law enforcement agency, criminal justice agency, or any other governmental entity.
- (2) A person or business entity that publishes confidential juvenile record information or confidential criminal record information of a child in any manner not permitted by prior law, regardless of the source of the information.

New law does not apply to:

- (1) Any statewide juvenile information sharing system authorized by present law.
- (2) A publication of general circulation or an internet website related to such a publication that contains news or other information, including a magazine, periodical newsletter, newspaper, pamphlet, or report.
- (3) A radio or television station that holds a license issued by the Federal Communications Commission.
- (4) A telecommunications provider.
- (5) A movie, film, or audiovisual work.

New law does not authorize a person or business entity to access confidential juvenile record information or confidential criminal record information of a child.

New law has various detailed definitions. For example, "publish" means:

- (a) In the case of the records of adults, to communicate or make information available to another person on a publicly available internet website or in any other publication that charges a fee for the removal of the information.
- (b) In the case of the records of a juvenile, to communicate or make information available to another person by any means, including but not limited to a publicly available internet website that charges a fee for the removal of the information.

New law provides that in addition to the fines and imprisonment provided by new law, a person or business entity that publishes information in violation of new law is liable to pay restitution to the individual who is the subject of the information in an amount not to exceed \$500 for each separate violation and, in the case of a continuing violation, an amount not to exceed \$500 for each day on which the violation occurs.

New law provides that venue is the appropriate jurisdiction where the subject of the publication resides and where the offense was committed.

Effective August 1, 2018.

(Adds R.S. 14:133.7)

Abuse of Persons with Infirmities through Electronic Means (Act 263)

New law creates the crime of abuse of persons with infirmities through electronic means and provides that the offense is committed when all of the following occur:

- (1) The person transfers an image that was obtained by any camera, videotape, photo-optical, photo-electric, unmanned aircraft system, or any other image recording device and that was obtained for the purpose of observing, viewing, photographing, filming, or videotaping any person with an infirmity.

- (2) The person transfers the image by live or recorded telephone message, electronic mail, the internet, or a commercial online service.
- (3) The person transfers the image with the malicious and willful intent to embarrass, shame, harass, coerce, abuse, torment, or intimidate, regardless of whether the victim has knowledge of the transfer.

New law defines "person with an infirmity" as a person who suffers from a mental or physical disability, including those associated with advanced age, which renders the person incapable of adequately providing for his personal care. New law provides that a person with an infirmity may include but is not limited to a person who is a resident of a nursing home, facility for persons with intellectual disabilities, mental health facility, hospital, or other residential facility or recipients of home and community-based care.

New law provides for the following penalties:

- (1) First offense conviction - a fine of not more than \$1,000, imprisonment for up to six months, or both.
- (2) Second or subsequent offense conviction - a fine of not more than \$2,000, and imprisonment at hard labor for one to three years, without benefit of parole, probation, or suspension of sentence.

New law provides an exception to this offense for a telephone company, television company, cable television company, or any of its affiliates, an internet provider, or commercial online service provider, or to the carrying, broadcasting, or performing of related activities in providing telephone, cable television, over-the-air television, internet, or commercial online services.

New law provides an exception for any healthcare provider through its use of any of its cameras, videotape, photo-optical, photo-electric, unmanned aircraft system, or any other image recording device within the facility.

New law provides that any evidence resulting from the commission of abuse of persons with infirmities through electronic means shall be contraband.

(Adds R.S. 14:283.3)

Video Voyeurism (Act 630)

Present law provides that video voyeurism is the crime of using a camera, videotape, photo-optical, photo-electric, unmanned aircraft system, or other image recording device to observe or photograph a person without their consent and with a lewd or lascivious purpose. Present law provides enhanced penalties when the observation or photography involves certain sexual acts or body parts.

New law removes use of an unmanned aircraft system as an element of the offense.

New law adds to the crime of video voyeurism the observation or photography of certain sexual acts or body parts, without a lewd or lascivious intent, which occurs in a place where the subject of the image has a reasonable expectation of privacy.

Present law provides that nonconsensual disclosure of a private image is a crime when a person intentionally discloses an image of another person's intimate parts when the subject is identifiable in the image and is 17 years or older. Present law requires that the subject understood the image was to remain private, and the person disclosing the image did so with intent to harass or cause emotional distress to the subject, and the person who commits the offense knew or should have known that the disclosure could harass or cause emotional distress.

New law amends present law to provide that the person committing the offense either had the intent to harass or cause emotional distress or knew or should have known that the disclosure could harass or cause emotional distress.

New law provides an exception for any bona fide news or public interest broadcast, website, video, report, or event, and provides that law shall not

affect the rights of any news-gathering organization.

(Amends R.S. 14:283(A)(1) and (G) and 283.2(A)(4))

Unlawful Telephone Calls and Text Messages (Act 426)

Present law prohibits any person from engaging in or instituting a telephone call, telephone conversation or conference, with another person, and using obscene, profane, vulgar, lewd, lascivious, or indecent language, or making any suggestion or proposal of an obscene nature, or threatening any illegal or immoral act, with the intent to coerce, intimidate, or harass another person.

New law removes indecent language but otherwise retains present law. New law prohibits any person from using any telecommunications device to send any text message or other message to another person that uses the type of language with the intent identified in present law.

Present law prohibits any person from making repeated telephone communications in a manner reasonably expected to annoy, abuse, torment, harass, embarrass, or offend another, whether or not conversation ensues.

New law adds a prohibition from sending repeated text messages or other messages using any telecommunications device and removes repeated communications in a manner reasonably expected to annoy another person.

Present law prohibits any person from engaging in a telephone call, conference, or recorded communication by using obscene language when the offender knows or should know that such language is directed to, or will be heard by, a minor, and prohibits any person from authorizing the use of a telephone under his control to violate the provisions of present law.

New law adds a prohibition against using any telecommunications device to send any text message or other message containing obscene language or content, anonymously or otherwise,

and against authorizing the use of any telecommunications device under his control to violate the provisions of present law.

Present law provides that any such offenses shall be deemed to have been committed at either the place where the telephone call or calls originated, or at the place where the telephone call or calls were received.

New law clarifies that any such offenses shall be deemed to have been committed at either the place where the communication originated, or at the place where the communication was received.

New law defines "telecommunications device" as any type of instrument, device, or machine that is capable of transmitting or receiving telephonic, electronic, radio, text, or data communications, including but not limited to a cellular telephone, a text-messaging device, a personal digital assistant, a computer, or any other similar wireless device that is designed to engage in a call or communicate text or data.

(Amends R.S. 14:285)

Contraband and Prisons (Act 464)

Present law prohibits persons from introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail.

New law increases the penalties for this crime to a fine of not less than \$500 and not more than \$10,000, and prison with or without hard labor for not less than five years and not more than ten years.

New law provides that if the offender is incarcerated in the state correctional institution or the municipal or parish prison or jail in which the contraband is introduced or possessed or sent from, the sentence imposed shall be served consecutively.

New law adds to the list of offenses included in the definition of "racketeering activity" the introducing, possessing, or sending of contraband

into or from any state correctional institution or municipal or parish jail.

(Amends R.S. 14:402(G); Adds R.S. 15:1352(A)(66))

Contraband and Hospitals (Act 516)

Prior law prohibited taking certain contraband into state-owned and administered hospitals. New law makes law applicable to all hospitals by removing "state-owned and administered".

Prior law identified one form of contraband prohibited in hospitals as narcotic or hypnotic drugs that create a hypnotic effect if taken internally. New law modernizes this definition to include any controlled dangerous substance that has not been prescribed or recommended in accordance with the Uniform Controlled Dangerous Substances Law.

Prior law identified one form of contraband prohibited in hospitals as any firearm or other instrumentality customarily considered a dangerous weapon.

New law provides that in order to be considered prohibited contraband the firearm or other instrumentality must be possessed by a person who is prohibited from possessing the firearm or instrumentality pursuant to state or federal law.

Effective August 1, 2018.

(Amends R.S. 14:402.1(A))

Mandatory Reasonable Assistance (Act 637)

New law requires that any person at the scene of an emergency who knows that another person is exposed to or has suffered serious bodily injury shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the exposed or injured person.

New law requires that any person who engages in reckless behavior that results in the serious bodily injury of any person shall, to the extent that the person can do so without danger or peril to self or

others, give reasonable assistance to the exposed person.

New law provides that reasonable assistance includes immediately seeking or reporting the need for medical assistance from an appropriate authority, including any state or local law enforcement agency, a 911 Public Safety Answering Point, and emergency medical personnel.

New law provides that any person who intentionally or knowingly fails to immediately seek or report the need for assistance pursuant to the provisions of law shall be subject to a fine of up to \$1,000, imprisonment for up to six months, or both.

New law provides for definitions of "reckless behavior" and "serious bodily injury".

(Adds R.S. 14:502)

TITLE 15: CRIMINAL PROCEDURE

La. Public Defender Board (Act 377)

Present law provides for the La. Public Defender Board, which is comprised of 11 members. New law changes the procedures by which a member may be removed for excessive absences.

Effective upon signature of governor (May 20, 2018).

(Amends R.S. 15:146(C))

Retrial Diversion Programs for Military (Act 251)

New law provides that any district attorney, alone or working with the district attorney of an adjacent judicial district, may create a special pretrial diversion program for defendants who meet the following requirements:

- (1) The individual is a veteran.
- (2) The defendant has been diagnosed with posttraumatic stress disorder (PTSD) as a result of military service and provides

documentation of his diagnosis to the court.

New law provides that at the discretion of the district attorney, after costs associated with the administration of the program are paid, a portion of all remaining monies collected may be distributed to entities within the judicial district, or within the judicial districts participating in the program, that provide rehabilitative services and treatment to veterans who have been diagnosed with PTSD.

Effective upon signature of the governor (May 15, 2018).

(Adds R.S. 15:244)

Court Costs Usage (Act 55)

Present law requires the judge or judges of the court for each judicial district to adopt a schedule of costs that shall be applied to each case before the court. These costs shall be placed in a special fund to be maintained by the proper governing authority and shall be used to pay witness fees.

New law requires all surplus monies, in excess of \$10,000, to be transferred to the criminal court fund of Lafourche Parish at the end of the calendar year.

(Adds R.S. 15:255(T))

Facility Dogs in Court (Act 503)

New law requires the court to allow a witness who is either under 18 years of age or who has a developmental disability to have a facility dog, if available, accompany them while testifying in court.

New law authorizes the court to allow the use of facility dogs in cases involving all other witnesses.

New law requires notice to the court and provides for jury instructions regarding the role of the facility dog.

New law defines "facility dog" as a dog that is certified and a graduate of an assistance dog organization that is accredited and specially trained to provide emotional support to witnesses testifying in judicial proceedings without causing a distraction during the proceedings.

(Adds R.S. 15:284)

Videotape Testimony (Act 305)

Present law provides that a court with original criminal jurisdiction or juvenile jurisdiction may require that a statement of a protected person be recorded on videotape and may be used in a juvenile or criminal proceeding.

Present law defines "protected person" as any person who is a victim of a crime or a witness in a criminal proceeding and who is either of the following:

- (1) Under the age of 17 years.
- (2) Has a developmental disability.

New law adds to definition of protected person an adult eligible for protective services, *i.e.*, any individual 18 years of age or older, or an emancipated minor who, due to a physical, mental, or developmental disability or the infirmities of aging, is unable to manage his own resources, carry out the activities of daily living, or protect himself from abuse, neglect, or exploitation.

(Amends R.S. 15:440.2(C))

Habitual Offender Law (Act 542)

Present law ("habitual offender law") provides that any person who, after having been convicted of a felony, thereafter commits any subsequent felony within La., upon conviction shall be subject to certain enhanced penalties set forth in present law.

Prior law (prior to Act Nos. 257 and 282 of the 2017 R.S.) provided that for purposes of the habitual offender law, the current offense cannot be counted as a second, third, fourth, or higher

offense if more than 10 years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of the previous conviction or convictions.

Prior law provided that in computing the intervals of time, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, cannot be included in the computation of any of the 10-year periods between the expiration of the maximum sentence or sentences and the next succeeding offense or offenses.

Present law (as amended by Act Nos. 257 and 282 of the 2017 R.S.) retains prior law if the prior offense was a crime of violence or sex offense. If the prior offense was not a crime of violence or a sex offense, present law (as amended by Act Nos. 257 and 282 of the 2017 R.S.) provides that the current offense cannot be counted as a second, third, fourth, or subsequent offense if more than five years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of the previous conviction or convictions.

New law provides the court shall apply to a defendant the provisions of law that were in effect on the date that the defendant's instant offense was committed, except the provisions of present law as amended by Act Nos. 257 and 282 of the 2017 R.S. that provide for the amount of time that must elapse between the current and prior offense for the habitual offender law to apply, shall apply to any bill of information filed on or after Nov. 1, 2017, accusing the person of a previous conviction.

(Adds R.S. 15:529.1(K))

Human Trafficking Hotline Signs (Act 361)

Prior law required information regarding the National Human Trafficking Resource Center Hotline to be posted in certain establishments.

New law adds the requirement that public and private airports, bus terminals or stations, and

railroad passenger stations post information regarding the hotline in the same location where other employee notices required by law are posted.

Effective upon signature of the governor (May 15, 2018).

(Adds R.S. 15:541.1(A)(6) and (7))

Sexual Assault Commission (Act 354)

Old law provided for the creation of the La. Sexual Assault Task Force within the office of the attorney general to examine issues related to forensic examinations of sexual assault victims and investigation of sexual assault cases.

New law replaces the task force with the La. Sexual Assault Oversight Commission (the commission) within the office of the attorney general to develop recommendations for a standardized sexual assault collection kit and protocols for forensic medical examinations to be used statewide.

New law provides for the membership of the commission.

New law provides that certain expenses may be paid by the commission member's employer or appointing authority.

New law provides that the attorney general shall serve as chairman and the office of the attorney general shall provide staff and administrative services to the commission.

New law requires the commission to continuously review its standards and protocols and make changes as necessary to stay current with technological advancements and best practices.

New law requires the attorney general to promulgate all rules necessary to implement the recommendations of the commission.

Effective August 1, 2018.

(Amends R.S. 15:555 and 556; adds R.S. 36:706(D))

Good Time and Parole Releases (Act 670)

New law provides that no later than August first of each year, the Dept. of Public Safety and Corrections is to submit an annual report to the legislature relative to offenders released from custody during the preceding fiscal year pursuant to the provisions of law relative to "good time". New law provides that this report must include the following information.

New law provides that on or before August 1, 2018, and no later than August first of each year following, the Dept. of Public Safety and Corrections is to submit an annual report to the legislature relative to offenders released from custody during the preceding year on parole. New law provides that this report must contain specified information.

Effective upon signature of the governor (June 1, 2018).

(Adds R.S. 15:571.3(F) and 574.4(I))

Probation and Parole Fees (Act 267)

New law provides that the fees imposed and collected pursuant to a person's release on probation or parole may be used for the salaries of probation and parole officers.

(Amends R.S. 15:571.21, 574.4.2, and 574.4.5 and C.Cr.P. Art. 895.1)

Lafourche Parish Sheriff's Office Electronic Monitoring Program (Act 139)

Old law authorized the Lafourche Parish Sheriff's Office to implement a pilot program using electronic monitoring as an alternative to incarceration.

New law changes the nature of the program from a pilot program to a permanent program.

New law provides that participation in the program does not, in any way, negate nor nullify

the bail obligations as set by the court. At any time, a defendant may post a legally sufficient authorized bail and become relieved of all conditions of this program, unless those conditions are specifically ordered by the court or by law as a condition of bail.

New law removes provisions regarding the evaluation of the original pilot program and the reporting of that information to the legislature, and removes provisions governing the termination of the pilot program.

(Amends R.S. 15:571.35.1)

Board of Pardons (Act 561)

New law provides that when no action is taken by the governor on a recommendation for clemency issued by the board, the person seeking clemency shall not be required to reapply to the board and the recommendation shall not expire upon the expiration of the governor's term in office and may be reviewed by the next governor to take office.

New law requires the board to adopt rules pursuant to the Administrative Procedure Act to provide for the provisions of new law, but the rules shall not require the person seeking clemency to reapply when no action is taken by the governor on the board's recommendation that the person receive clemency.

(R.S. 15:572.4(E))

Parole Matters (Act 604)

Prior law provided that an offender serving a life sentence for second degree murder shall be eligible for parole consideration if all of the following are met:

- (1) The offender committed the offense after July 2, 1973, and prior to June 29, 1979.
- (2) The offender has served at least 40 years of the sentence imposed.

- (3) The committee on parole has granted parole with a unanimous vote of those present.

New law amends prior law to provide that an offender serving a life sentence for second degree murder who meets the requirements in Paragraph (1) and (2) above shall be released on parole if a five member panel of the committee on parole vote unanimously to grant parole.

Prior law provided that when a judge sets bond on allegations of a new felony offense for a parolee, the division of probation and parole and the committee on parole must be notified within three business days. New law expands law to any new offense of the parolee, instead of applying to only those offenses that are felonies.

Prior law provided that each offender who commits an offense on or after Nov. 1, 2017, other than a crime of violence or a sex offense, and who is eligible for parole, except those sentenced as a habitual offender or who participate in a drug court program, shall be released on administrative parole on the offender's parole eligibility date without a hearing before the committee if certain conditions are met. New law limits prior law to those offenders who commit an offense on or after November 1, 2020, instead of November 1, 2017.

Effective November 1, 2018.

(Amends R.S. 15:574.2, 574.4, and 574.9)

Medical Parole or Treatment Furlough (Act 573)

New law adds that a medical treatment furlough is not available to any offender serving a sentence for a conviction of first degree murder.

New law provides that neither the DPS&C nor the warden of the correctional facility can recommend that the offender's sentence be commuted for any medical reasons.

Present law provides that the authority to grant medical parole or medical treatment furlough rests solely with the committee on parole. Present

law provides that the DPS&C is to identify those offenders who may be eligible for medical parole or medical treatment furlough based upon available medical information.

New law adds that the committee make its determination only after the offender, as a condition of medical parole or medical treatment furlough, waives his right to medical confidentiality and privacy as to notice requirements in new law.

New law provides that an offender who is denied medical parole or medical treatment furlough may apply for a rehearing within the time frame applicable to a denial of parole under any other provision of law.

New law provides that within seven business days of the decision of the committee on parole to grant medical parole or medical treatment furlough to an offender, the department must notify any off-site medical facility designated for an eligible offender's medical treatment of the decision.

New law provides that the off-site medical facility must, not less than 14 days before the offender begins treatment at the facility, provide notice to its patients or residents that the offender will be receiving treatment in that facility.

New law provides that the off-site medical facility must, not less than 14 days before the offender begins treatment at the facility, provide notice that the offender will be receiving treatment at that facility to each patient's or resident's next of kin, curator, tutor, or person having power of attorney for the patient or resident.

Effective August 1, 2018.

(Amends R.S. 15:574.20)

Nautical Crime Prevention and Privacy Compact (Act 121)

New law adopts and ratifies the National Crime Prevention and Privacy Compact Act of 1998 (compact) which establishes an electronic

information sharing system among the federal government and the states to exchange criminal history record information for noncriminal justice purposes authorized by federal or state law, such as background checks for governmental licensing and employment, immigration and naturalization matters, and national security clearances.

Under the compact, the Federal Bureau of Investigation and the participating states agree to maintain detailed databases of their respective criminal history record information, including arrests and dispositions, and to make them available to the federal government and to the participating states for purposes authorized by law.

Ratification of the compact does not affect the obligations and responsibilities of the bureau regarding the dissemination of criminal history record information within the state pursuant to present law.

(Amends R.S. 15:584)

Access to Federal Tax Information (Act 363)

New law adds the legislative auditor to the agencies that can access federal tax information for purposes of performing audits.

New law authorizes the legislative auditor to have access to federal tax information and to perform criminal background checks on the auditor's employees who access federal tax information in records of an auditee.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 15:587.5 and R.S. 24:513; adds R.S. 24:513.1(E))

Criminal History Reports (Act 376)

New law establishes a volunteer and employee criminal history system operated by the La. Bureau of Criminal Identification and Information. New law allows certain businesses and organizations that provide care to children, the elderly, or individuals with disabilities to

register with the bureau to obtain a state and federal criminal history report on individuals who have or seek to have access to those children, elderly, or individuals with disabilities, to determine their suitability to be providing care to those persons. New law specifies that the access to obtain such reports is allowed in the absence of specific statutory provisions regarding access to criminal history record information.

New law allows the bureau to charge a processing fee for the criminal history report.

New law requires the business or organization that requests the criminal history report to maintain the confidentiality of the report.

New law provides that a qualified entity is not liable for damages solely for failing to obtain background check information.

New law provides that except in instances of gross negligence or willful and wanton misconduct, the state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision shall not be liable for damages for providing the information.

Effective January 1, 2019.

(Adds R.S. 15:587.7)

DNA Samples (Act 126)

Present law provides for DNA samples to be taken from the offender of a felony or any of numerous other offenses.

New law adds the crimes of misdemeanor sexual battery, illegal possession of a handgun by a juvenile, and illegal carrying of weapons.

(Adds R.S. 15:603(10)(r), (s), and (t))

Interstate Corrections Compact (Act 440)

Old law provided for the following:

- (1) A prisoner convicted and sentenced to incarceration by a court in another state shall not be housed for the commission of

that offense in a state correctional facility in La.

- (2) A prisoner convicted and sentenced to incarceration by a court in another state who is housed in a local jail or private correctional facility in La. shall not be released in this state. Any prisoner housed in a local jail or private correctional facility shall be returned to an appropriate correctional facility located within the state where he was convicted and sentenced for release in that state.
- (3) A prisoner convicted and sentenced by another state shall not be housed in a local jail or private correctional facility if the prisoner would be classified as maximum custody by the Dept. of Public Safety and Corrections classification procedure.
- (4) The state where the prisoner was convicted and sentenced shall be responsible for the costs associated with returning the prisoner to that state.

New law provides for the adoption of the Interstate Corrections Compact which does all of the following:

- (1) Authorizes each party state to make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states, and provides for specific requirements for each contract.
- (2) Authorizes duly constituted authorities in a party state to direct that the confinement of an inmate be within the territory of another party state, when such transfer to the other party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment.

- (3) Provides for the rights of appropriate officials of any state party and the rights of inmates confined in an institution pursuant to the provisions of the compact.
- (4) Requires each receiving state to provide regular reports to each sending state on the inmates of the sending state who are in institutions of the receiving state pursuant to the compact.
- (5) Provides that any inmate confined pursuant to the compact shall be released within the territory of the sending state, unless the inmate and the sending and receiving states agree upon release in some other place.
- (6) Provides relative to receiving state's review of decisions and actions taken by the sending state.
- (7) Provides relative to the escape of inmates from an institution in which they are confined pursuant to the compact, and provides for extradition or rendition proceedings in this regard.
- (8) Authorizes any party state to accept federal aid for use in connection with any institution or program, the use of which is or may be affected by the compact or any contract entered into pursuant to the compact.
- (9) Provides that nothing in the compact shall be construed to abrogate or impair an agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation, or treatment of inmates, nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.
- (10) Authorizes and directs the secretary of the Dept. of Public Safety and Corrections to do all things necessary or incidental to the carrying out of the compact.

(Amends R.S. 15:709; Adds R.S. 15:771-780)

Probation; Earned Compliance Credits (Act 508)

Present law authorizes the court to suspend a sentence and place a defendant on probation after a first, second, or third conviction for a noncapital felony. The period of probation shall be specified and shall not be more than three years.

Present law provides that the court may suspend a sentence and place a defendant on probation after a fourth conviction of operating a vehicle while intoxicated if certain conditions are met.

In this regard, present law provides that the period of probation shall be specified and shall not exceed three years, unless the court determines that successful completion of the program may require the period of probation to exceed the three-year limit, up to eight years.

New law amends present law to authorize the court to suspend a sentence and place a defendant on probation for either of the following when the certain conditions are met:

- (1) A fourth conviction of any noncapital felony offense.
- (2) A third or fourth offense of operating a vehicle while intoxicated.

In addition, new law adds the following to the list of programs that the court may order the defendant to enter and complete as one of the conditions: a mental health court program, a Veterans Court program, and a reentry court program.

Present law provides that if the court, with the consent of the district attorney, orders a defendant, upon a third conviction or fourth felony conviction, to enter and complete any of the following present law programs, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the three-year limit: a program provided

by the drug division of the district court, an established driving while intoxicated court or sobriety court program, a mental health court program, a Veterans Court program, a reentry court program, or the Swift and Certain Probation Pilot Program.

New law expands present law to allow the court to extend the period of probation beyond the three-year limit, up to eight years, for a first, second, third, or fourth conviction, for which present law allows the suspension of sentence, if the defendant is ordered to complete any of the programs set forth in present law.

Present law provides that every defendant placed on probation and every defendant released on parole, except for those defendants convicted of a crime of violence or sex offense, shall earn a diminution of probation or parole term, to be known as "earned compliance credits", by good behavior.

New law amends present law to provide that a defendant placed on probation who is ordered to enter and complete a specialty court program is not eligible to receive earned compliance credits, and to provide that a defendant who is required to enter and complete a reentry court program as a condition of his release on parole is not eligible to receive earned compliance credits.

(Amends R.S. 15:574.6.1 and C.Cr.P. Arts. 893 and 895.6)

Special Agents (Act 540)

Prior law authorized the secretary of the Dept. of Public Safety and Corrections to appoint special agents from permanent status employees or full-time employees who have attained the rank of sergeant or Probation and Parole Officer 1. The appointed special agents may carry weapons exposed or concealed while in the performance of their duties in the same manner as law enforcement officers.

New law amends present law to remove the requirement that a person be a permanent status or full-time employee in order to be appointed as a special agent.

(Amends R.S. 15:825.2(A))

Jailed Veterans (Act 313)

New law requires the Dept. of Public Safety and Corrections to collect information on the number of veterans who are inmates and submit the collected information to the legislature and the La. Dept. of Veterans Affairs by the 15th of August each year.

New law defines "veteran" as a former or current member of the U.S. Armed Forces.

(Adds R.S. 15:827(A)(8))

Inmate Work Data (Act 701)

New law adds a requirement that the Dept. of Public Safety and Corrections establish a system for the collection of information and data on inmates participating in any program that offers the inmate compensation for services or work performed, on-the-job training, or industry certification, and requires the department to report the information and data to the legislature by July first of each year. New law specifically includes several categories of inmate service programs and specifically requires certain data.

(Adds R.S. 15:827(A)(8))

Inmate Labor (Act 537)

Present law provides the governor, upon determining that it is appropriate and in furtherance of the rehabilitation and training of inmates, may, by executive order, authorize the use of inmates of a penal or correctional facility owned by the state of Louisiana for necessary labor in connection with a particular capital construction project on the grounds of the facility, when certain cost requirements are met.

New law extends the governor's authority to authorize the use of inmates to perform necessary labor for certain projects at any administrative building or facility which provides management or support services to the penal or correctional facility, including the headquarters of the Department of Public Safety and Corrections.

(Amends R.S. 15:832.1(A)(1))

Inmates and Intensive Care (Act 349)

New law provides that if an inmate sustains bodily injury requiring admittance to an intensive care unit or trauma center, the warden or other governing authority of the correctional facility, jail, or other detention facility shall notify the inmate's immediate family within one hour of the medical decision to transport the inmate to the intensive care unit or trauma center.

New law provides that if an inmate sustains serious bodily injury requiring admittance to an intensive care unit or trauma center, members of the inmate's immediate family must be granted visitation with the inmate for the duration of the inmate's admission to the intensive care unit or trauma center, unless the warden or other governing authority of the inmate's correctional facility, jail, or other detention facility provides written notice, within six hours of the inmate's admission to the intensive care unit or trauma center, to any immediate family member seeking visitation why such visitation cannot be granted.

If the inmate's admission occurs between the hours of 8 p.m. and 4 a.m., the correctional or detention facility shall provide the required written notification within 24 hours of the time the serious bodily injury occurred. Visitation may be supervised.

Visitation may be revoked if any immediate family member possesses any item of contraband during visitation.

Effective upon signature of the governor (May 20, 2018).

(Amends R.S. 15:833(A)(1))

Dignity for Incarcerated Women Act (Act 392)

New law requires the custodian of a correctional facility to make certain healthcare products available, in housing units and in the medical area, to all women incarcerated in a correctional facility at no cost and in a quantity that is appropriate to the needs of the woman without a

medical permit. New law provides that a woman need not be diagnosed with an illness to have access to healthcare products.

New law provides that a male correctional facility employee shall not conduct a pat-down search or body cavity search on an incarcerated woman, unless the woman presents an immediate risk of harm to herself or others and a female correctional facility employee is not available.

New law provides that a male correctional facility employee shall not enter into an area of the correctional facility in which incarcerated women may be in a state of undress, or an area where incarcerated women in a state of undress may be viewed. New law provides that if a female correctional facility employee is not available or if a female correctional facility employee requires assistance, a male correctional facility employee may enter into such area in the event of a medical emergency or if an incarcerated woman presents an immediate risk of harm to herself or others.

New law provides that a male correctional facility employee shall announce his presence upon entering a housing unit for incarcerated women.

New law provides that if a male correctional facility employee conducts a pat-down search or body cavity search or enters a prohibited area in an emergency situation, the custodian or an employee of the correctional facility shall document the incident, including the circumstances necessitating the male correctional facility employee's actions, no later than three days after the incident.

New law defines "custodian" as a warden, sheriff, deputy sheriff, or law enforcement officer; defines "correctional facility" as any jail, prison, penitentiary, juvenile institution, temporary holding center, or detention facility; defines "correctional facility employee" as any employee of a correctional facility; and defines "state of undress" as not dressed or not fully dressed.

Effective August 1, 2018.

(Adds R.S. 15:892.1)

Post-Conviction Veterans Mentor Program (Act 273)

New law creates the Post-Conviction Veterans Mentor Program.

New law provides that an offender who is incarcerated is eligible to participate in the program if numerous conditions are met.

New law provides that an offender who meets the eligibility requirements is then subject to pre-screening by the Board of Pardons prior to approval. If approved by the Board of Pardons, the offender shall have a pre-release residence established and approved by DPS&C.

New law provides that after three successful years at a transitional facility, the offender shall be granted a parole hearing.

New law provides that to maintain eligibility to participate in the program, the offender must comply with numerous conditions.

If the offender violates a condition of his eligibility, new law provides that he shall be subject to disciplinary sanctions, including up to and including parole revocation.

New law provides that after successful completion of the assigned term at the transitional facility, the veteran shall be given a favorable recommendation for commutation of sentence and if the veteran's recommendation for commutation of sentence is approved, then the veteran shall be paroled or released on diminution of sentence.

New law provides for a Veteran Mentor Screening Panel to determine whether eligible veterans can serve as mentors. New law provides that the mentors serve as liaisons between the program and the participant.

New law provides for the wages of the mentors and provides that any mentor who is employed shall be responsible for the cost of certain expenses, but not more than 70% of the wages may be deducted to cover such costs. New law

provides for the disbursement of the wages for certain purposes.

New law authorizes DPS&C to create, establish, operate, contract, and maintain transitional facilities for incarcerated veterans who serve as mentors for the Veterans Court probation program.

(Adds R.S. 15:1199.21 - 1199.26)

TITLE 16: DISTRICT ATTORNEYS

Acadia Parish Attorney (Act 30)

New law provides that the governing authority of Acadia Parish may employ or retain its own attorney to represent it generally. In such event, the district attorney of the judicial district serving the parish is relieved from any further duty of representing the governing authority.

Effective upon signature of the governor (May 10, 2018).

(Amends R.S. 16:2(B) and R.S. 42:261(F))

TITLE 17: EDUCATION

Recovery School District (Act 336)

New law removes requirement that the State Bd. of Elementary and Secondary Education hold quarterly meetings in New Orleans relative to the Recovery School District.

(Repeals R.S. 17:3.1(F))

Teachers (Act 634)

Old law prohibited public school boards (including charter school governing authorities) and nonpublic schools and school systems from hiring a person who has been convicted of or has pled nolo contendere to a crime listed in present law, as a teacher. Old law required local public school boards to dismiss any employee upon conviction or plea of nolo contendere of any such listed crime (with one exception). Old law allowed reemployment of a school employee

whose conviction has been reversed, set aside, or vacated.

New law prohibits all public school boards and nonpublic schools from hiring a person as a teacher if the person has been convicted of or has pled nolo contendere to any felony offense, even if adjudication was withheld or a pardon or expungement was granted.

New law prohibits hiring any person as a teacher who has submitted fraudulent documentation to BESE or the state Dept. of Education as part of an application for a teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment as determined by BESE.

New law requires the dismissal of a teacher who has committed any of these offenses.

New law allows a public school board and a nonpublic school to hire a person as a teacher who has been convicted of or has pled nolo contendere to a felony not listed in present law, who has been found to have submitted fraudulent documentation to BESE or the state Dept. of Education as part of an application for a teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment, if BESE approves a formal appeal request submitted by the person. New law authorizes BESE to issue a teaching certificate or other teaching authorization to such a person if three years have passed and the board has received an appeal from the person and letters of recommendation.

New law requires BESE to promulgate rules and regulations to establish a process for issuing a teaching authorization to a person seeking employment in a public or nonpublic school that does not require a La. teaching certificate. New law requires that such rules and regulations include procedures for determining if a person has submitted fraudulent documentation related to the issuance of the teaching authorization or has facilitated cheating on any state assessment administered to students.

New law provides that the rules and regulations shall include a requirement that BESE notify the person of its intention to discuss the person's character, professional competence, or physical or mental health in an executive session and that the person may require that the board discuss such matters in an open meeting.

Old law provided that a person who has submitted his fingerprints may be temporarily hired pending a report. New law repeals old law.

New law requires BESE to establish requirements and procedures (including the submission of fingerprints) for the state Dept. of Education to determine whether an applicant for or the recipient of any certificate or license has been arrested for or convicted of or pled nolo contendere to any criminal offense.

Present law requires a school employee, upon his final conviction or plea of guilty or nolo contendere to a criminal offense, to report such information to his employer within 48 hours, and provides that a person who fails to report such information shall be fined not more than \$500 or imprisoned for not more than six months, with or without hard labor, or both. New law increases the penalties for violations by teachers to a fine of not more than \$1,000 or imprisonment for not more than one year.

New law authorizes the state Dept. of Education to assess a civil fine against a public school board that employs a teacher who has been convicted of or pled nolo contendere to any felony offense and whose application to teach was not approved by BESE or for whom criminal records were not requested by the school board. New law provides that the fine amount is equal to the average yearly compensation for a public school teacher inclusive of salary and benefits.

Effective July 1, 2018.

(Amends R.S. 17:7, 15, and 3991(E)(5); Adds R.S. 17:7(6)(h) and (i) and 3996(B)(45); Repeals R.S. 17:3974)

Economically Disadvantaged Students (Act 307)

New law changes references to "at-risk" students to students who are "economically disadvantaged" throughout Title 17 of the La. Revised Statutes. New law provides that "economically disadvantaged" shall be as defined by the State Bd. of Elementary and Secondary Education (BESE) in some instances.

New law deletes old law provision that required BESE to develop and implement a pilot program for inner-city at risk students in certain parishes.

(Amends R.S. 17:7, 24.9, 221.6, 392.1, 407, 407.2, 407.5, 407.6, 407.26, 407.91, 407.92, 3972, and 3991)

School Improvement Plans (Act 555)

Old law required the State Bd. of Elementary and Secondary Education (BESE) to create an honor roll recognizing all high-performing schools and high schools with graduation rates that exceed the state average. New law provides that high schools recognized by the honor roll shall be those with exemplary graduation rates as determined by BESE instead of those with graduation rates that exceed the state average.

New law requires the superintendent of the special school district, the superintendent of each BESE authorized charter school, and the superintendent of each city, parish, or other local public school system to present a plan approved by the state Dept. of Education (DOE) for addressing the needs of any school under their oversight, including any locally authorized charter school, that DOE has identified as being in need of academic improvement.

New law requires each such superintendent to provide for plan presentation by board members, or other persons designated by the board, at a minimum of one public meeting held at the applicable school (with public notice at least one week in advance).

New law requires presentations to include various elements.

New law requires local superintendents only (not the superintendents of the special school district or of BESE-authorized charter schools) to present annual updates until DOE no longer identifies the school as being in need of academic improvement.

New law requires DOE to annually publish a list of schools with such plans on its website.

(Amends R.S. 17:10.1(F)(3); Adds R.S. 17:10.1(H))

Grading of Schools (Act 522)

Prior law provided for a school and district accountability system that required the State Board of Elementary and Secondary Education (BESE) to develop criteria to calculate a performance score and letter grade for each school and school district.

New law adds that for the 2017-2018 school year BESE shall report school and district performance scores and letter grades calculated in both the manner provided for in current BESE rules and the rules in effect for reporting the 2016-2017 school year, and requires the scores to be reported and displayed side by side to facilitate easy comparison.

New law provides that for 2018-2019 school year and beyond, whenever BESE makes significant changes in the criteria, methodology or manner of calculating and determining the school and district performance scores and letter grades that may result in a significant number of schools or districts experiencing a change in letter grade, BESE shall consider publishing the performance score and letter grade in the manner provided for under the prior rules.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 17:10.1(H))

Student Standard Test Results (Act 517)

Prior law required standards-based assessments in English language arts, mathematics, science,

and social studies for public school students in at least grades 3 through 11.

Prior law provided that such assessments be based on state content standards and rigorous student achievement standards set with reference to test scores of students at the same grade level nationally.

New law requires the state Dept. of Education to provide the assessment results for each student who is administered the standards-based assessments in English language arts and mathematics to public school governing authorities by June 30th each year, except for a year in which new assessments or changes to existing assessments are implemented.

New law requires the state Dept. of Education to provide the results in a format that is easy to read, clear, and understandable.

New law requires that the results contain at a minimum, the scale score and the raw score achieved by the student, student performance on categories and subcategories within a subject, and longitudinal information on the student's progress in each subject area, if available.

New law requires each school governing authority to disperse the results for each student to the student's teacher of record for the year the assessment was given and the student's teacher of record for the upcoming year.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 17:24.4(L))

Adoption Leave for Certain Public School Employees (Act 631)

Present law provides relative to leave for teachers in public schools, including maternity leave.

New law additionally requires teachers be granted up to 30 days of leave upon adoption of a child.

Present law as amended by new law is applicable to teachers employed by local school boards, teachers employed by the Special School District, certain teachers at the New Orleans Center for Creative Arts, and teachers of students placed in the custody of the Dept. of Public Safety and Corrections, as well as to certain social workers and school psychologists employed by local school boards.

(Amends R.S. 17:46, 48, 231, 1171, 1202, 1211, 1212, 1970.26(C)(1)(f), and 1987(D)(1))

Pornography and Public Schools (Act 369)

New law requires the state Dept. of Education to prepare information to be distributed to each public school governing authority for dissemination to the parent of each student enrolled in a school under its jurisdiction regarding the public health risks and harms associated with pornography. New law requires the information to include the following:

- (1) Dangers of sexually charged cyberbullying.
- (2) Addictive and destructive nature of pornographic and illicit materials.
- (3) Dangers of internet interaction with strangers.
- (4) Resources available to parents related to child safeguards and free internet filters for home computers.

Prior law required public school governing authorities to adopt policies, in accordance with all applicable state and federal laws, regarding student and employee access to websites on school computers that contain or make reference to harmful material. New law requires such policies to be in accordance with policies adopted by the State Bd. of Elementary and Secondary Education instead of in accordance with all applicable state and federal laws.

Effective August 1, 2018.

(Amends R.S. 17:100.7)

Immunization Against Meningococcal Disease (Act 196)

Present law requires:

- (1) A student to provide satisfactory evidence of current immunization against meningococcal disease as a condition of entry into sixth grade.
- (2) A student who is 11 and entering a grade other than sixth grade to provide such evidence as a condition of entry into such grade.
- (3) A student who is 11 and participating in an approved home study program to provide such evidence to the State Bd. of Elementary and Secondary Education (BESE).

New law makes the same requirement a condition of entry into 11th grade and entry into any grade by a student who is 16 and requires a student who is 16 and participating in an approved home study program to provide such evidence to BESE. New law applies present law exceptions to new law requirements.

New law also provides that satisfactory evidence of current immunization against this disease provided pursuant to present law and new law shall be in accordance with a directive from the state Dept. of Education and La. Dept. of Health that is based on recommendations of the Centers for Disease Control and Prevention.

Effective July 1, 2019.

(Amends R.S. 17:170.4(A)(1) and (C)(2))

Fire Information for Students' Parents (Act 262)

New law requires the governing authority of each public school, including charter schools, and each nonpublic school to provide specified information about influenza and vaccination against the influenza virus and requires the state Dept. of Education (DOE) to provide such

information to parents of students enrolled in approved home study programs.

New law requires the La. Dept. of Health (LDH) to develop and provide information about influenza and the vaccination to DOE. LDH shall provide updates annually if new information on influenza is available. LDH, DOE, and each school governing authority shall determine the most cost-effective and efficient means of information distribution, including but not limited to posting on school websites and electronic distribution.

(Adds R.S. 17:170.5 and 3996(B)(45))

Behavioral Health Services for Students (Act 696)

New law provides that a public school governing authority shall not prohibit a behavioral health provider from providing behavioral health services to a student at school during school hours if requested by the student's parent or legal guardian.

New law authorizes such governing authorities to adopt policies to implement new law that include the following:

- (1) A behavioral health provider shall maintain reasonable insurance coverage.
- (2) A behavioral health provider shall complete a criminal background check conducted and pay all related costs.
- (3) Behavioral health services shall be permitted during school hours if the student's parent or legal guardian presents a behavioral health evaluation performed by an evaluator chosen by the parent or legal guardian and the evaluation indicates that the services are necessary during school hours to assist the student with behavioral health impairments that the evaluator determines are interfering with the student's ability to thrive in the educational setting.

- (4) Behavioral health services may be provided during instructional time in English, reading, mathematics, and science if the public school governing authority and the behavioral health provider agree that it is in the best interest of the student.
- (5) A public school governing authority shall not enter into a contract or an exclusive agreement with a behavioral health provider that prohibits the parent or legal guardian from choosing the behavioral health provider for the student.
- (6) The cost of all behavioral health services provided to a student shall be the sole responsibility of the parent or legal guardian.
- (7) A public school governing authority may provide for sanctions against a behavioral health provider for failure to comply with the governing authority's policy.

New law provides that the failure of a public school governing authority to adopt a policy shall not prohibit the provision of behavioral health services to a student as provided in new law.

(Adds R.S. 17:173 and 3996(B)(45))

Literary Screening (Act 688)

New law that each second grade student and third grade student shall be administered a literacy screener to identify the number of students who read below, at, and above grade level. New law provides that students scoring above grade level shall be considered for evaluation into a gifted program. New law provides that, not later than 45 days after the beginning of the school year, a literacy screening report describing the number of students who read below, at, and above grade level shall be sent simultaneously by the teacher to the principal of the school and to the system superintendent.

New law authorizes the state Dept. of Education, in times of crisis or natural disasters, to extend

deadlines for administration and reporting results of the screening instruments.

New law provides that a charter school and its approved charter and the school's officers and employees shall be subject to provisions of law relative to literacy screening.

(Amends R.S. 17:182(B); Adds R.S. 17:3996(B)(45))

TOPS (Act 671)

New law provides that Physics may be counted for credit as a science course to satisfy the high school career major graduation requirements.

New law allows AP Physics I and AP Physics II to count as individual classes in the TOPS Opportunity, Performance, and Honors students core curriculum, and provides Physics may count in the TOPS-Tech core curriculum.

New law clarifies that the TOPS administering agency shall adopt rules as provided by the Administrative Procedure Act.

Prior law provided that course equivalences shall be set by the TOPS administering agency upon prior approval by the State Board of Elementary and Secondary Education. New law amends prior law to provide that BESE shall be consulted on the changes but is not required to approve the changes.

Prior law provided that Act and SAT tests taken after July first of the student's high school graduation year may not be considered when determining TOPS eligibility. New law allows tests taken after the national April testing date in the year of the applicant's high school graduation, provided that:

- (1) The administering agency determines that the applicant was prevented from taking the test on or prior to the April testing date of the year of the applicant's graduation due to circumstances beyond the immediate control of the student which were attributable to the administration of the test.

- (2) The applicant's qualifying score is obtained on an authorized testing date prior to August first of the year of the applicant's graduation.

Prior law provided that when granting an award to an applicant whose qualifying test score is considered by the agency, the agency shall reduce the time period of eligibility for the award by one semester or an equivalent number of units at an eligible institution which operates on a schedule based on units other than semesters. New law provides that when granting an award to an applicant, the agency shall not reduce the time period of eligibility.

Prior law provided that tax records are confidential, but certain taxpayers' information may be shared with the office of student financial assistance to help determine the students' eligibility for TOPS. New law retains prior law, and provides the tax information may also be used by the office to determine past TOPS recipient employment and residency status in Louisiana.

Effective upon signature of the governor (June 1, 2018).

(Amends R.S. 17:183.3, 5025, 5026, 5061, 5062, R.S. 39:98.3, and R.S. 47:1508)

Foods and Beverages in Public Schools (Act 330)

New law requires public elementary and secondary schools to follow federal guidelines in respect to foods and beverages, other than meals, sold to students at schools and on school grounds, during a period beginning one-half hour before the start of the school day and ending one-half hour after the end of the school day.

New law deletes detailed provisions regulating the beverages and food items that may be sold to students at public elementary and secondary schools or on the grounds of such schools.

(Amends R.S. 17:197.1)

Advisory Council on Student Behavior (Act 600)

Prior law established the Advisory Council on Student Behavior and Discipline to provide advice and guidance to the State Bd. of Elementary and Secondary Education and the state Dept. of Education regarding best practices in providing support to public school governing authorities in the adoption and implementation of each school's master plan for student behavior and discipline.

New law changes membership of council.

New law requires the council to review current state laws, policies, and regulations regarding student behavior and discipline and submit a written report to the House and Senate education committees and the senator who represents Senate District No. 4 by February 15, 2019.

New law terminates the advisory council on February 15, 2019.

Effective upon signature of the governor (May 30, 2018).

(Amends R.S. 17:253)

Virtual Schools (Act 478)

New law defines "virtual school" as a public school, including a charter school, which has a unique site code assigned by the state Department of Education and which delivers all or a majority of the instruction provided through the internet or other electronic medium, such that a student is not necessarily required to be at a specific location in order to receive instruction from a teacher.

New law allows a virtual school to include traditional classroom-based instruction or to host face-to-face meetings, including field trips, extracurricular activities, conferences between a student, parents, and teachers, or other related activities or events.

New law excludes from the definition of "virtual school" a school that delivers all or a majority of the instruction provided through the internet or

other electronic medium and requires students to be in daily attendance at a specified location to receive such instruction.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 17:236.3)

Public Schools and Religion (Act 410)

New law requires public school instruction to include information on the national motto, "In God We Trust".

New law requires each public school governing authority to display the national motto in each building it uses and in each school under its jurisdiction.

New law specifies that the nature of the display shall be determined by each governing authority with a minimum requirement of a paper sign.

Effective upon signature of the governor (May 23, 2018).

(Amends R.S. 17:262(A))

Money Management Education (Act 154)

Present law requires public elementary and secondary schools to offer instruction in personal financial management based on the concept of achieving financial literacy through the teaching of personal management skills and the basic principles involved with earning, spending, saving, and investing.

Old law provided that this instruction shall be integrated into an existing course of study.

New law provides each public elementary and secondary school student shall receive age and grade appropriate instruction in personal financial management that includes the basic principles involved with income, money management, spending and credit, and saving and investing.

New law provides that such instruction and subject matter "may", instead of "shall", be integrated into an existing course of study.

New law provides each student who enters the ninth grade on or after July 1, 2019, shall receive the instruction in personal financial management as a requirement for high school graduation.

New law provides each public school governing authority shall provide the required instruction in accordance with the rules and regulations adopted by BESE.

Effective August 1, 2018.

(Adds R.S. 17:270 and 3996(B)(45); repeals R.S. 17:282.3)

High School Instruction on Shaken Baby Syndrome (Act 300)

New law requires each public high school to provide instruction in the recognition and prevention of shaken baby syndrome.

(Adds R.S. 17:270 and 3996(B)(45))

Foreign Language Immersion Programs (Act 622)

Present law authorizes a local public school board to establish a foreign language immersion program in any school. Present law requires a school board to establish a foreign language immersion program if requested in writing by the parents of at least 25 students seeking enrollment in kindergarten, or 25 students seeking enrollment in first grade by March 1st prior to the school year in which the program is to be established and if other specified criteria are met. Present law prohibits school boards from denying enrollment in a foreign language immersion program to any student under specified circumstances.

Present law requires the State Bd. of Elementary and Secondary Education (BESE) to designate a foreign language immersion program that meets specified criteria as a certified program. Present law requires a school board to ensure that any

program established is designated as a certified program in accordance with present law within three years of being established.

Present law requires BESE to include a component in the school and district accountability system for a school that establishes, maintains, or expands a foreign language immersion program, or proceeds to earn or maintain certification of a foreign language immersion program.

New law clarifies that "foreign language immersion program" means any type of dual language immersion program. New law adds a requirement that school boards notify parents by March 15 as to whether or not the required number of written requests was submitted to establish a program.

(Amends R.S. 17:273.3; Adds R.S. 17:10.1(G)(4), and 273.2(D))

Biliteracy Standards (Act 89)

Present law provides for a State Seal of Biliteracy to be affixed on the high school diploma or transcript of a graduate who is proficient in multiple languages. New law specifies that this proficiency be at the intermediate-high level or above.

New law revises the methods through which a student shall demonstrate such proficiency.

New law modifies the English language portion of the requirement; it requires a composite score of proficient on an English language development assessment that addresses all modes of communication.

(Amends R.S. 17:273.4)

Online Threats to School Safety (Act 641)

New law requires public schools and public postsecondary education institutions to offer information on recognizing and reporting potential threats to school safety that are posted on the internet. School and campus security officers or other persons deemed appropriate by

the schools, in consultation with local law enforcement agencies, shall provide age and grade appropriate information for students in grades nine and above.

New law requires school officials and campus security officers to address the following, at a minimum, in the information distributed:

- (1) The ability to detect potential online threats to school safety.
- (2) The reporting system at the school or campus.

New law requires school officials and campus security officers to report online content to local law enforcement agencies, when it is deemed potentially dangerous. If content poses immediate threat at a public school, school administrators shall follow procedures provided by present law regarding school crisis management.

(Adds R.S. 17:280.1 and 3399.16)

University of Louisiana at Lafayette (Act 297)

New law adds University of Louisiana at Lafayette to institutions eligible to receive laboratory school funding through the minimum foundation program.

(Amends R.S. 17:350.21)

Dyslexia Screening Certificate (Act 411)

Present law provides for every child in public school in grades kindergarten to third to be screened at least once for existence of impediments to a successful school experience. Such impediments include dyslexia and related disorders, attention deficit disorder, and social and environmental factors. Present law provides that the screening shall be done by personnel who have been appropriately trained.

New law requires the State Board of Elementary and Secondary Education (BESE) to develop criteria whereby a teacher maybe issued a dyslexia practitioner or dyslexia therapist ancillary certificate.

New law provides that in order to be issued an ancillary certificate, a teacher shall:

- (1) Hold a valid Louisiana teaching certificate.
- (2) Demonstrate completion of a multisensory structured language training program accredited by a nationally recognized accrediting organization.
- (3) Pass a multisensory structured language education-related competency examination that is administered by a nationally recognized professional organization that issues national certifications.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 17:392.2)

Parents' Bill of Rights for Public Schools (Act 547)

Present law provides that the parents of public school children shall have certain limited rights.

New law retains present law except for the following revisions:

- (1) Limits applicability of such rights to parents of public school children who have not reached the age of majority.
- (2) Adds parents' rights to receive a photocopy of their child's school records at no cost or a reasonable cost within 10 business days of a written request.

New law provides that parents of public school children who have not reached the age of majority have the following additional rights:

- (1) To receive from the school the annual school calendar no later than 30 days prior to the beginning of the school year.

- (2) To annually receive in writing or to view on the school's website: a list of required fees and their purpose and use, and a description of the required student uniform, including the total estimated cost per uniform.
- (3) To be informed if their child's low academic performance could affect their child's ability to advance to the next grade level, and in such cases a right to be offered a meeting with the student's teacher and school leader to discuss strategies and resources to improve the student's academic performance.

New law makes present law as amended applicable to charter schools.

(Amends R.S. 17:406.9; Adds R.S. 17:3996(B)(45))

Early Childhood Care and Education Commission (Act 639)

New law creates the Early Childhood Care and Education Commission to study and create a vision for the future of early childhood care and education. New law requires the commission to collect data, consider research and current practices, determine a sustainable infrastructure, identify opportunities for collaboration, and determine a time frame and necessary funding to achieve affordable access to quality care and education for all children from birth through age four.

New law requires the commission to meet and produce reports for submission to the governor, legislature, state superintendent of education, and BESE.

New law provides for termination of the commission on March 31, 2020, and requires, beginning April 1, 2020, the advisory council to regularly evaluate and provide recommendations to support the implementation of the commission's plan.

New law authorizes BESE to use public and private funds to create pilot programs in high

performing community networks to implement new strategies to increase access to and improve the quality of early childhood care and education programs.

(Amends R.S. 17:407.51(H); Adds R.S. 17:407.23(B)(6) and (D) and 407.101 and R.S. 36:651(G)(6); Repeals R.S. 17:407.23(D)(3) and 407.101 and R.S. 36:651(G)(6))

Threats of Violence and Schools (Act 716)

New law, relative to actions taken by school employees and school boards, requires that:

- (1) Any school employee who learns of a threat of violence or terrorism immediately report the threat to a local law enforcement agency if there is a reasonable belief that the threat is credible and imminent, and school administrators for further investigation if the threat does not meet the standard of reasonable belief.
- (2) Each school board adopt a policy for investigating potential threats that have been reported to a school administrator, which shall include conducting an interview with person reporting the threat, the person allegedly making a threat, and all witnesses and securing any evidence.

New law requires that any law enforcement agency receiving notification of an alleged threat of violence or terrorism:

- (1) Begin an investigation not later than the first day that school is in session after the report is received and endeavor to complete it not later than three school days after receiving the report.
- (2) Notify the principal or other school official authorized to act in an emergency.

New law provides that if the person reported to law enforcement is a student, he shall not be permitted to return to school until undergoing a

formal mental health evaluation. New law requires the law enforcement agency to file a petition with the appropriate judicial district court for medical, psychological, and psychiatric evaluation.

New law provides that if the person reported to law enforcement is not a student, he shall not be permitted to be within 500 feet of any school until undergoing a formal mental health evaluation and being deemed by a health care professional to not be dangerous to himself or others.

New law provides that no person shall have a cause of action against any person for any action taken or statement made in adherence with new law; however, the immunity from liability shall not apply to any action or statement if it was maliciously, willfully, and deliberately intended to cause harm to, harass, or otherwise deceive law enforcement or school officials.

(Adds R.S. 17:409.1-409.6 and 3996(B)(45))

School Crisis Plans (Act 168)

Present law requires each public school principal to prepare a school crisis management and response plan with local law enforcement, fire, public safety, and emergency preparedness officials. Present law requires plans to focus on preventing loss of life and injury and to detail the roles and responsibilities of each school employee and the relevant coordination agreements, services, and security measures in the event of a shooting or other violent incident or emergency situation. New law additionally requires plans to provide for the notification of parents in such event.

(Amends R.S. 17:416.16(A)(3))

Opioid Antagonists in Schools (Act 694)

New law authorizes the governing authority of each public and nonpublic elementary and secondary school to adopt a policy authorizing a school to maintain a supply of naloxone or any other opioid antagonist, and authorizing a school nurse or other school employee to administer naloxone or other opioid antagonist to any

student or other person on school grounds in the event of an actual or perceived opioid emergency.

New law provides that such a policy shall require that a school nurse or school employee receive at least six hours of training, both general and child-specific, from a registered nurse or a licensed medical physician prior to being authorized to perform such administration.

New law provides that a school governing authority that does not adopt such a policy shall not be subject to civil liability for failing to authorize such supply or administration.

(Adds R.S. 17:436.1(M))

School Bus Operators (Act 238)

Prior law provided for the removal of a permanent school bus operator by the local school board if the bus operator is found guilty on written and signed charges of any of various acts or conditions.

Prior law provided procedures and time lines for the removal, including that the bus operator may request a hearing on the matter before the school board. Prior law provided that within one year from the finding of guilt by the school board, the bus operator may petition a court to affirm or reverse the action of the school board.

New law revises prior law procedures and time lines and provides that a permanent school bus operator has 10 calendar days from receipt of the written notice of charges to respond either in person or in writing. New law authorizes the superintendent to take interim disciplinary action including placing the bus operator on administrative leave without pay.

New law provides that a permanent bus operator shall not be placed on administrative leave without pay unless the bus operator has been arrested for certain violations. New law provides that if the bus operator fails to timely request a hearing, the interim disciplinary action becomes final.

Prior law provided additional grounds for the removal of a permanent school bus operator, including:

- (1) The abolition, discontinuance, or consolidation of routes if the local board finds that it is in the best interest of the school system to do so.
- (2) A conviction of or plea of nolo contendere to a violation of a local ordinance for specific crimes related to operating a vehicle while intoxicated.

New law designates the superintendent to determine the need to consolidate routes.

New law additionally provides that upon notification that the bus operator has a conviction or plea of nolo contendere to any violation in prior law, the superintendent shall immediately remove the bus operator from his position and that the termination is not subject to review.

New law provides that upon the bus operator's request for a review hearing, the superintendent shall randomly appoint a hearing officer from a list of persons previously approved by the school board as "disciplinary hearing officers". New law provides how the list of hearing officers is to be maintained.

New law provides that such hearing may be private or public, at the option of the bus operator, and shall commence no sooner than 10 calendar days and no later than 30 calendar days after receipt of the bus operator's request for such hearing.

New law provides that the disciplinary hearing officer shall have the power to issue subpoenas. The bus operator shall have the right to appear before the disciplinary hearing officer with witnesses on his behalf and with counsel of his selection.

New law provides that the disciplinary hearing officer shall review whether the interim decision of the superintendent was arbitrary or capricious and shall either affirm or reverse the action of the superintendent. The disciplinary hearing officer

shall notify the superintendent and the bus operator of his final determination, with written reasons, within 10 days from the date of the hearing and if the superintendent's disciplinary action is affirmed, it shall become effective upon the bus operator's receipt of the decision of the disciplinary hearing officer. If the superintendent's disciplinary action is reversed, the bus operator shall be restored to duty.

New law provides that the school board or the bus operator may petition a court to review the matter as a summary proceeding pursuant to prior law. The court shall determine whether the disciplinary hearing officer abused his discretion in deciding whether the action of the superintendent was arbitrary or capricious. If the action of the superintendent is reversed by the court and the bus operator is ordered reinstated and restored to duty, the bus operator shall be entitled to full pay for any loss of time or salary he may have sustained by reason of the action of the superintendent.

New law provides that the time periods prescribed in new law may be extended by mutual agreement of the parties. New law provides that paid administrative leave shall not exceed 50 days from notice of the superintendent's interim decision.

Effective upon signature of the governor May 15, 2018).

(Amends R.S. 17:493)

School Bus Operations (Act 699)

Present law requires that for a new route or a route vacated by a previous operator, the tenured school bus operator with the greatest seniority is given the first opportunity to change from driving his route to the vacant route, before another operator is selected.

New law requires city, parish, and other local public school boards to notify a senior bus operator of a vacant route by certified mail to his residence.

(Amends R.S. 17:493.1(A)(1)(a))

Washington Parish and Bogalusa Schools (Acts 332 and 413)

New law creates the Bogalusa/Washington Parish School System Consolidation Commission to study the feasibility of consolidating the Bogalusa City School System and the Washington Parish School System.

New law provides that the commission shall determine the feasibility of consolidating the Bogalusa City School System and the Washington Parish School System with geographic boundaries coterminous with the geographic boundaries of Washington Parish.

New law provides that if the commission determines that consolidating the two school systems is in the best interest of the students in each school system and the parish as a whole, the commission shall formulate a plan and timeline to effect the consolidation. New law provides that the plan to consolidate the two school systems shall, at a minimum, provide for numerous specified things.

New law requires the commission to submit a written report of its findings, conclusions, and recommendations to the Bogalusa City School Board and the Washington Parish School Board not later than Aug. 31, 2019.

New law requires the commission to hold a public hearing on its findings, recommendations, and plans developed for consolidating the two school systems, prior to adoption of the final report.

New law provides that the final report shall be posted on the website of both school systems in a manner that provides easy access to the report by parents and the public.

New law provides that the commission shall terminate on Sept. 1, 2019.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:1381)

Public Building Named (Act 46)

New law names the baseball operational center at Southern Univ. at Baton Rouge the Cadot Baseball Operational Center.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:1601.8)

Hazing (Act 640)

New law requires an organization to report to an institution:

- (1) If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member has participated in hazing.
- (2) If an organization or any of its members has been disciplined by a parent organization for hazing.

New law requires the Bd. of Regents to develop and adopt a uniform policy on hazing prevention that defines hazing as provided in new law.

New law requires each postsecondary education institution to adopt the Bd. of Regents policy and authorizes each institution to expand the definition of hazing to prohibit additional behaviors it determines to be dangerous, but prohibits otherwise amending the definition.

New law requires that each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook, and beginning in the fall of 2019, such information during the new student orientation process either in person or electronically.

New law requires each organization to provide annually at least one hour of hazing prevention education to all members and prospective members in person, electronically, or both.

New law requires each organization to submit a report annually to the institution relative to the students receiving such education.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:1801(C) and (D) and 17:1801.1)

Language Equality and Acquisition for Deaf Kids Task Force (Act 455)

New law creates the Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force to (a) develop a resource for parents to monitor and track deaf and hard of hearing children's expressive and receptive language acquisition and developmental stages toward English literacy and (b) develop a framework for assessing children who are deaf or hard of hearing to determine their competencies in language and literacy skills for the purpose of ensuring they are able to achieve kindergarten readiness in an equitable manner.

New law requires impartiality with regard to the language and modalities used to teach such children. New law provides that "English" shall include spoken English, written English, and English with the use of visual supplements, including but not limited to Cued Speech and Signing Exact English.

New law provides relative to membership and meetings.

New law provides that the task force shall study and make recommendations relative to matters that shall include but need not be limited to developing a framework for assessing children who are deaf or hard of hearing and selecting language developmental milestones from existing standardized norms.

New law requires the task force to:

- (1) Review and make recommendations relative to existing tools or assessments for educators to use to assess the language and literacy development of such children.

- (2) Determine how often such tools or assessments should be used for children from birth to age five.
- (3) Identify language development milestones for such children by consulting with professionals trained in the language development and education of such children.
- (4) Identify procedures and methods for reporting language acquisition, assessment results, milestones, assessment tools used, and progress of such children to parents and to teachers and other professionals involved in their early intervention and education.
- (5) Make recommendations relative to ensuring that state law and state and local policies are adequately addressing the language developmental needs of such children.

New law requires the task force to submit a report to the House and Senate education committees and health and welfare committees not later than Feb. 1, 2019.

New law requires the state Dept. of Education and the La. Dept. of Health to submit responses to this report to these committees not later than March 1, 2019.

New law is effective upon signature of governor or lapse of time for gubernatorial action and is repealed on March 1, 2019.

(Adds R.S. 17:1960.1 and R.S. 36:651(G)(6))

Prayer in Public Schools (Act 673)

Prior law provided that no law, rule, or policy may deny any student attending a public elementary or secondary school the right to participate in voluntary, student-initiated, student-led prayer.

Prior law provided conditions for student-initiated prayer, allowed school employees to volunteer to supervise student-initiated prayer,

and provided that any school employee may participate in the gathering if it occurs before the employee's work day begins or after the employee's work day ends.

New law provides that if a school employee present to supervise the gathering chooses, he may quietly bow his head during a student-led, student-initiated prayer in deference and respect to students' religious beliefs and practices.

Effective upon signature of the governor (June 1, 2018).

(Amends R.S. 17:2115.11(A))

La. Student Tuition Assistance and Revenue Trust (START) Program (Act 53)

New law broadens the definition of "Institution of postsecondary education" to include a proprietary school located outside La. that is licensed by an out-of-state public postsecondary education board, accredited by a recognized national or regional accrediting body, and eligible to participate in a program under Title IV of the Higher Education Act of 1965, as amended.

(Amends R.S. 17:3092(5))

Master Plan for Postsecondary Education (Act 400)

Present law requires the Board of Regents to formulate and make timely revision of a master plan for postsecondary education that includes a formula for the equitable distribution of funds to institutions of postsecondary education. Present law requires the board to establish a mission for each public university system and for each institution within each system and to include these mission statements in the master plan.

New law requires the Board of Regents to review and revise, as necessary, the master plan for postsecondary education and the mission statements for each public college and university system at least once every four years.

New law requires the Board of Regents to review and submit a revised master plan for

postsecondary education to the governor and the legislature not later than September 1, 2019.

Present law requires the Board of Regents to report annually to the legislature and the governor on the status of higher education relative to the mission statements, including revisions since the last report and any recommendations for legislative or gubernatorial action. New law additionally specifies that the annual report be submitted no later than January 30th of each year.

Effective upon signature of the governor (May 23, 2018).

(Amends R.S. 17:3128)

La. Jobs Now Fund (Act 619)

New law creates the La. Jobs Now Fund (the fund) for the purpose of funding degree and certificate production in high-demand fields through programs offered by La.'s public postsecondary education institutions and institutions that are members of the La. Assoc. of Independent Colleges and Universities (LAICU) to meet the state's current and future workforce needs.

New law requires monies in the fund to be appropriated to the Board of Regents to be distributed to and used by postsecondary education institutions towards degree production at four-year universities in science, technology, engineering, and math (STEM) programs and towards degree and certificate production at two-year, community, and technical colleges in fields required for four-star or five-star jobs as defined by the La. Workforce Commission's La. Star Jobs program.

Prior to distribution of the funds, new law requires certification by the postsecondary education management boards and LAICU on behalf of the receiving institution that a match of no less than 25% of the funding is guaranteed by a private entity.

New law provides for distribution of funds as follows:

- (1) 50% to four-year universities based on each institution's prior year degree production in STEM programs.
- (2) 50% to two-year, community, and technical colleges based on each institution's prior year degree and certificate production in fields required for four-star or five-star jobs.

New law requires the Bd. of Regents annually to submit a report to certain legislative committees.

New law prohibits monies from the fund supplanting any state general fund allocations provided to institutions.

Effective July 1, 2018.

(Adds R.S. 17:3138.7)

Advisory Council on Historically Black Colleges and Universities (Act 236)

New law creates the Advisory Council on Historically Black Colleges and Universities Council under the jurisdiction of the Board of Regents for the purpose of focusing on ways to strengthen the capacity of HBCUs. In consultation with the Southern University System and Grambling State University, the council shall provide guidance and advice to the commissioner of higher education and the Board of Regents regarding best practices to strengthen the capacity of the state's HBCUs.

New law requires the commissioner of higher education to call the first meeting of the Council by September 1, 2018. New law provides that the Council shall meet upon the call of the chairman, but not less than twice annually.

New law provides that the Council shall advise the commissioner of higher education regarding methods to enhance the capabilities of HBCUs in order to better serve their students and the state, to strengthen the capacity of HBCUs to participate in federal and state programs, and to strengthen the capacity of HBCUs to fully participate in Louisiana's workforce and economic development opportunities.

Effective upon signature of the governor (May 15, 2018).

(Adds R.S. 17:3138.7 and R.S. 36:651(T)(7))

Free Speech at Public Colleges (Act 666)

New law provides that expressive activities at a public postsecondary education institution are protected.

New law defines "expressive activities" to include any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the Constitution of the United States of America and by the Constitution of Louisiana, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions.

New law excludes from the definition of "expressive activities" commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

New law provides that institutions may maintain and enforce reasonable time, place, and manner restrictions narrowly tailored in service of significant institutional interest.

New law provides for freedom of association and provides that a public postsecondary education institution shall not deny a belief-based student organization any benefit or privilege available to any other student organization.

New law requires each public postsecondary education institution to develop policies, regulation, and expectations of students regarding free expression and association on campus that are consistent with new law and the policies of the management board.

New law requires that the policies be made public in the institution's handbook, on its website, and through student orientation and be provided in all

materials, programs, and procedures provided to all employees and students.

New law requires the postsecondary education management boards, in consultation with the Board of Regents, to develop and adopt policies on free expression that contain the following:

- (1) A statement that the primary function of an institution of postsecondary education is the discovery, improvement, transmission, and dissemination of knowledge and in order to fulfill the function, each institution must strive to ensure the fullest degree of intellectual freedom and free expression.
- (2) A statement that it is not the proper role of an institution to shield individuals from speech protected by the United States Constitution.
- (3) A provision that students and faculty have the freedom to discuss any topic in a manner of expression that is permitted by the United States Constitution and the Louisiana Constitution, a provision that limits on time, place, and manner of expression shall be consistent with new law and must be necessary to achieve a significant institutional interest, and a provision that such restrictions shall be published and provide ample alternative means of expression.
- (4) A provision that students and faculty shall be permitted to assemble and engage in spontaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the institution.
- (5) A provision that any person lawfully present on a campus may protest or demonstrate there. Protests and demonstrations that infringe upon the constitutional rights of others or create a substantial and material disruption to the functioning of the institution shall not be permitted.

- (6) A provision that the public areas of campus are traditional public forums, open on the same terms to any speaker.
- (7) A provision that the adopted policy supersedes and nullifies any existing provisions in the policies and regulations of any institution that restrict speech on campus.

Requires each public postsecondary education institution to submit a report to the governor and the legislature by January 1, 2019, on the implementation of new law.

New law requires each institution to submit an annual report to the governor and the legislature regarding barriers to, or incidents against, free expression that occurred at the institution and actions taken in response.

Effective upon signature of the governor (June 1, 2018).

(Adds R.S. 17:3399.31-3399.37)

Reporting on Students with Exceptionalities (Act 660)

Present law requires the state Dept of Education to annually collect specific data for students with exceptionalities, excluding gifted and talented. Present law requires for the collection and reporting of data for each disability classification in total and by race, gender, age, and sex.

New law requires the commissioner of administration to withhold an amount equal to 25% of the state general funds appropriated to the department through the general appropriations bill for "STATE ACTIVITIES" which are allocated for travel expenses, for any fiscal year that the department fails to comply with the reporting requirements relative to students with exceptionalities.

Effective upon signature of the governor (June 1, 2018).

(Adds R.S. 17:3911(B)(4)(f))

Sharing of Student Information (Act 691)

Present law prohibits an official or employee of a city, parish, or other local public school system from providing personally identifiable student information to any person or public or private entity with certain exceptions.

Present law authorizes officials and employees of the state Dept. of Education to share information it has received with a person or public or private entity outside of La. only for purposes of academic analysis of assessments.

Present law provides that most violations of present law are punishable by imprisonment for not more than six months or by a fine of not more than \$10,000.

New law authorizes the department to share student information it has received with a person who is an employee of and conducting research at a postsecondary education institution accredited by a regional or national accrediting organization recognized by the U.S. Dept. of Education, if the person and the department enter into a memorandum of understanding in which the person agrees to be liable for any criminal and civil penalties imposed by present law for any violation of present law.

(Amends R.S. 17:3914)

Student Information Disclosure (Act 241)

New law adds the Bd. of Regents to the entities that may be provided student information for the purposes of:

- (1) 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.
- (2) Evaluating comparative postsecondary performance outcomes based on student transcript data in order to develop policies designed to improve student academic achievement.

New law additionally requires that the parental consent form contain a statement notifying parents that student information will be collected and shared with the Bd. of Regents to be used for the purposes of providing reports to the school governing authority and developing policies designed to improve student academic achievement.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 17:3914(K)(2) and (3)(c)(i))

Educational Technology Strategy Task Force (Act 381)

Prior law required the state Dept. of Education to develop and implement a statewide educational technology plan.

New law creates the Technology Strategy Task Force to review the technology plan, the current technology capabilities of La. schools, and projected technology needs and to develop a strategy whereby all schools can meet the technology needs of their students.

New law provides that task force members shall serve without compensation and requires the state superintendent to convene the first meeting and to designate department staff to assist the task force. New law requires the task force to report recommendations to the House and Senate education committees by December 1, 2019.

Effective August 1, 2018, and terminates December 31, 2019.

(Adds R.S. 17:3921.3 and R.S. 36:651(G)(6))

Charter School Board Membership (Act 646)

New law provides that beginning Oct. 1, 2018, each charter school governing or management board located in a parish with a population between 325,000 and 375,000 persons according to the most recent federal decennial census shall include at least one member who is a parent, legal guardian, or grandparent of a student enrolled in the school or an alumnus, who may be elected or

appointed. New law requires each board to adopt a policy relative to appointing or electing the parent, legal guardian, grandparent, or alumnus and that the policy be provided to the parents of each student and published on the school's website.

New law requires, beginning with the 2019-20 school year, that the governing or management board of each charter school (other than a Type 2 charter school) that is located in a parish with such a population be representative of the community by race and gender to ensure diversity and that no fewer than 60% of its members reside in the parish in which the school is located.

New law adds that, a member of a charter school governing or management board may serve as an officer, director, or employee, whether compensated or not, of any national or state bank; however, requires him to recuse himself from voting in favor of any such bank and to disclose the reason for such recusal by filing a statement of the reason into the minutes or record of the charter school board and by forwarding a disclosure form to the Bd. of Ethics.

Effective upon signature of the governor (June 1, 2018).

(Amends R.S. 17:3991)

Public School Student Transfers (Act 459)

Present law allows parents to enroll children in the public school of their choice, without regard to residence, school system geographic boundaries, or attendance zones, provided both of the following apply:

- (3) The public school in which the student was most recently enrolled, or would otherwise attend, received a school performance letter grade of "D" or "F" for the most recent school year.
- (4) The school in which the student seeks to enroll received a school performance letter grade of "A", "B," or "C" for the most recent school year and has

sufficient capacity at the appropriate grade level.

Present law requires each public school governing authority to adopt a policy to govern student transfers authorized by present law. New law requires that such policy be posted to the school governing authority's website by Sept. 30, 2018, and reported to the state Dept. of Education by Dec. 31, 2018.

(Amends R.S. 17:4035.1(A)(intro. para.) and (E)(1))

TOPS Income Fund (Act 583)

New law establishes the TOPS Income Fund as a special treasury fund to fund the TOPS Program.

New law requires that unexpended and unencumbered monies in the fund at the end of a fiscal year remain in the fund and that interest earned on monies in the fund shall be credited to the fund.

Effective July 1, 2018.

(Adds R.S. 17:5069)

TITLE 18: LOUISIANA ELECTION CODE

La. Election Code (Act 584)

Present law provides requirements for any petition submitted to a registrar of voters for certification. Present law requires a petition to include, among other things, the signer's date of birth. New law instead requires the petition to include only the signer's year of birth.

New law slightly changes how one member of the State Bd. of Election Supervisors is chosen.

New law provides that the chairman of the state central committee of a political party may appoint a voter to serve on a parish board of election supervisors if there is a vacancy in the office of chairman of the parish executive committee of the party.

Present law requires the clerk of court to conduct a course of instruction for commissioners-in-charge each year. Requires the clerk to issue a certificate to each person who successfully completes the course of instruction, and requires the clerk to file with the parish board of election supervisors a certified list of those persons and requires certain information to be included in the list.

Old law required a clerk of court to send the list of commissioners who were trained each year to the secretary of state. New law instead requires the clerk to enter the list in the state voter registration computer system.

New law specifies that population of municipalities for purposes of determining qualifying fees is the population shown by the latest federal decennial census.

New law changes the opening of qualifying from the second Wed. in Jan. to the last Wed. in Jan. when the primary election is not held on the first Sat. in March.

Old law provided that all elected parochial and municipal officers in a parish containing a municipality with a population of 300,000 or more shall take office on the first Mon. in May of 1982 and each four years thereafter. New law repeals old law.

Old law provided that payment for the use of private property as a polling place shall not exceed \$150 for each election. New law provides an exception if written approval is received from the secretary of state or his designee.

Old law required a copy of each polling place lease to be prominently posted in the office of the registrar of voters. New law repeals old law.

New law requires the parish custodian of voting machines to write on the key envelope the number of the seal for each precinct register.

New law additionally provides that when the door of the voting machine is opened, the commissioners shall compare the cartridge seal

number on the key envelope with the protective seal number for the results cartridge.

New law provides that after the voting machines are set up and powered on and the polls are opened, the commissioners shall compare the public and protective counter numbers on the key envelope with the public and protective counter numbers on the machines.

Old law required the parish custodian to, if practical, readjust the counters. New law instead requires the parish custodian to contact the secretary of state's voting machine technician assigned to the parish to either repair or replace the voting machine.

Old law required the commissioners to immediately make a written statement of the letter and number designation on each counter and the number registered on the counter and post this statement at the polling place throughout the election and preserve the statement as part of the election returns. New law instead requires the commissioners to make a written statement of the irregularity by completing in triplicate a notation of irregularities form to preserve the statement as part of the election returns.

New law requires Certificate No. 1 to include the number of the seal on the precinct register, the number shown on the public counter on each voting machine, and whether any visible damage was seen on any voting machine prior to the start of the election.

New law requires the commissioners to set up the audio unit for use of the audio ballot by voters during the election.

Old law provided that the keys are placed in the envelope when the voting machines at the polling place are unlocked for voting. New law provides instead that the keys are placed in the envelope after closing and locking the back of the voting machine.

Old law provided that during the election, the voting machines shall only be operated by the voters casting their votes. New law provides instead that the voting machines shall only be

operated by the commissioners to allow the voters to cast their votes.

Present law requires the parish custodian of voting machines to deliver a supplemental list of absentee voters who voted absentee by mail and whose ballots were received after the last day for early voting and before election day, if necessary. New law provides that the list shall include a list of absentee voters whose ballots were received after the precinct register was completed for election day voting by the registrar of voters and placed in the voting machine.

Old law required the commissioners to mark "Absentee" in the precinct register for each name appearing on the list. New law provides instead that the commissioners write "voted by mail".

Present law requires the commissioners to look for the voter's name in the precinct register on the official list of voters and determine whether the voter has voted absentee by mail or during early voting. New law additionally requires the registrar to determine whether the voter's name is on the supplemental list of voters.

Present law provides that if the name of a qualified voter was omitted from the precinct register, the commissioner must contact the registrar of voters to ascertain whether the person is registered to vote in that precinct. Present law provides that in the absence of a challenge, the voter may sign an affidavit attesting that he is a qualified voter and describing the omission.

New law retains present law. New law adds that the commissioner may contact the secretary of state to determine whether the person is registered to vote in that precinct. New law requires confirmation from the registrar or secretary of state that the person is registered to vote in the precinct. New law specifies that the affidavit is a precinct register correction affidavit, and requires the commissioners to print the voter's name in the precinct register correction affidavit tab.

Old law provided that the same procedures apply if the name of the voter was incorrectly printed on the precinct register. New law repeals old law.

Instead, new law provides that in such case, the commissioner shall allow the applicant to complete a voter registration application to update his voter registration record and preserve the voter registration application as part of the election records by placing it in the envelope marked "Registrar of Voters" and attach the envelope to the precinct register after the termination of voting.

Old law provided that if a voter fails to leave a voting machine promptly after being notified that the required time has elapsed, the commissioners shall have the voter removed from the voting machine.

New law provides instead that if a voter fails to leave a voting machine promptly after being notified that the required time has elapsed, the commissioners shall order the voter to complete voting and leave the voting machine.

New law adds that if a voter has failed to make any selection before leaving the voting machine and, therefore, a commissioner cannot activate the cast vote mechanism for the fled voter, a commissioner shall complete in triplicate the notation of irregularities form provided by the secretary of state and reset the voting machine

New law requires the commissioners to close the polls.

Old law required the commissioners to complete Certificate No. 2 in triplicate. New law requires the certificate to be completed in duplicate, instead of in triplicate.

Present law requires the commissioners to state on the certificate the number on each voting machine. New law specifies that the number is the serial number. New law requires the certificate to include the number of the seal placed on the precinct register by the commissioners and whether any visible damage occurred to any voting machine during the election.

New law requires the commissioners to include in the envelope marked "Registrar of Voters" one copy of the official election results reports, one of the duplicate poll lists, all physical disability

affidavits, any copies of disability documentation, and a copy of each completed notation of irregularities form.

Old law required an envelope with certain papers to be marked "Put in Voting Machine" and place in or attach to a voting machine that envelope and the sealed precinct register.

New law repeals old law and instead requires the envelope to be marked "Secretary of State's Envelope" and requires the commissioners to include a copy of each completed notation of irregularities form.

Old law specified documents to be mailed to the secretary of state. New law instead requires the commissioner-in-charge to mail to the secretary of state the envelope marked "Secretary of State's Envelope".

New law makes the following changes relative to other items required to be delivered:

- (1) Instead of the keys to the voting machines, new law requires the completed and signed key envelope for the voting machines to be delivered.
- (2) Instead of the original of the signed list of commissioners, new law requires the affidavit of payroll and nondisclosure for the commissioners to be delivered.
- (3) Instead of a copy of the final result tally sheets, new law requires the official election results report from the voting machines to be delivered.

New law additionally provides that the following shall be delivered by the commissioner-in-charge to the clerk of court:

- (1) A copy of each completed notation of irregularities form.
- (2) For a federal election, the return provisional ballot envelope containing all voted provisional ballots and unused provisional ballots and envelopes.

New law specifies that the items shall be delivered to the clerk of court in a clear plastic zipper bag.

New law provides that for a federal election, the clerk of court shall deliver to the registrar of voters the return provisional ballot envelope containing all voted provisional ballots not later than 8:30 a.m. on the first business day following the election.

Present law provides procedures for opening and relocking voting machines and verifying election results after the election. New law specifies that present law applies to election day voting machines.

Present law provides that the machine votes cast shall be shown separately by each precinct, and the absentee by mail and early voting votes cast shall be shown as the total number of votes cast for each candidate and the total number of votes cast for and against each proposition.

New law provides that the absentee by mail and early voting votes cast for each candidate and the total number of absentee by mail and early voting votes cast for and against each proposition as shown by the final absentee by mail and early voting report filed with the clerk of court by the parish board of election supervisors on election night shall be shown separately from the precinct totals as the final absentee vote report, with the total number of votes cast for each candidate and the total number of votes cast for and against each proposition. New law otherwise retains present law.

Old law required the registrar to remove any duplicate voters' affidavits. New law repeals old law. New law requires the registrar to remove any precinct register correction affidavits, any physical disability affidavits, any physicians certificates, any copies of disability documentation, and any completed voter registration applications.

Present law requires the registrar to proceed to determine if each voter submitting an affidavit attesting that he is a qualified registered voter is

in fact a registered voter qualified to vote in the election.

New law adds that the registrar shall make his determination by comparing the information provided by the voter with the information on file in the registrar's office and by reasonably comparing the signature on the affidavit with any signature on file for the voter in the registrar's office.

Present law provides that if the registrar determines that any person who has voted in the election by virtue of his submission of such an affidavit was not a registered voter qualified to vote in the election, the registrar shall so inform the district attorney and shall transmit to him the affidavit of that person. New law requires the registrar to inform the elections compliance unit and send the affidavit to it, instead of the district attorney.

New law requires the registrar to scan the address confirmation card, voter identification affidavit, disability documentation, or voter registration application and add it to the voter's record in the state voter registration computer system after processing.

Present law provides that the parish board may attach to the compiled election return statements a notation of any irregularities observed with respect to certain specified issues. New law adds that this notation must be done by executing in triplicate a notation of irregularities form prepared by the secretary of state.

New law adds one day to each of the old law deadlines for transmitting election results.

New law changes the deadline for compiling and announcing the results from the sixth day after the election to the seventh day after the election. New law specifies that announcement of the results is on the secretary of state's website. New law requires the secretary of state to verify the results no later than 12:00 noon on the seventh day after the election.

New law changes the deadline for promulgation of the election returns from the 12th day after the election to the 14th day after the election.

Old law provided for the delay of deadlines in certain situations because of holidays. New law amends old law to account for the changes in the deadlines.

New law adds the following to the list of persons entitled to vote absentee by mail:

- (1) The secretary of state or an employee of the secretary of state who is a qualified voter and who submits to the registrar of voters of the parish where he is registered to vote a copy of a state employee identification card.
- (2) An employee of the registrar of voters who is a qualified voter registered to vote in a parish other than his parish of employment and who submits to the registrar of voters of the parish where he is registered to vote a copy of an identification card showing employment with the registrar of voters.

Present law specifies that the registrar must use a portable metal box with a slot to hold absentee by mail ballots, and requires the registrar to lock the box before he removes it from his office. New law requires the registrar to have a portable container, instead of specifying that it be a metal box, and requires the container to include a lock.

Old law required the registrar to retain the keys to the box in his office. New law repeals old law.

Old law required the registrar to post the ward and precinct of the voter. New law repeals old law.

New law provides that a voting machine may be constructed and equipped to have a voter verification mechanism.

New law removes references to provisions of the constitution held to be invalid (Art. I, §10(B)) and, relative to challenges to candidacy, changes those references to the present law (R.S. 18:451) provisions relative to qualifications of candidates.

Provisions of new law become effective upon signature of the governor, August 1, 2018, or January 1, 2019.

(Amends R.S. 18:3, 23, 423, 433, 463, 464, 467, 495, 533, 553, 562, 563, 566, 571, 572, 573, 574, 1333, 1354, 1355, and 1361; Adds R.S. 18:1303(K) and (L); Repeals R.S. 18:514)

Voting by Certain Felons (Act 636)

Present constitution provides that every citizen of the state, upon reaching 18 years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

Present law prohibits a person who is under an order of imprisonment for conviction of a felony from registering to vote. Present law (R.S. 18:2(8)) provides that this prohibition applies during a sentence of confinement, whether or not suspended, whether or not the subject of the order has been placed on probation, with or without supervision, and whether or not the subject of the order has been paroled.

New law provides an exception to allow a person who is under an order of imprisonment for conviction of a felony to register and vote if the person has not been incarcerated pursuant to the order within the last five years and the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years.

New law adds that a person's registration shall be reinstated when the person provides documentation from the appropriate correction official showing that the person has not been incarcerated pursuant to an order of imprisonment for conviction of a felony within the last five years.

New law requires the secretary of state to work with the Dept. of Public Safety and Corrections to develop a form or forms to allow a person who is or was under an order of imprisonment for

conviction of a felony to meet the requirements relative to voter registration and reinstatement of registration.

Effective March 1, 2019.

(Amends R.S. 18:102(A)(1), 104(C), and 177(A)(1))

Registrar Records (Act 325)

New law requires the registrar to endorse each request to copy records with the day and hour of receipt of the request and to provide a copy of the endorsed written request to the person submitting the request.

(Amends R.S. 18:154(B))

Publication of Lists of Early and Absentee Voters (Act 425)

Present law requires the registrar to post a copy of lists of early voters and absentee voters in a conspicuous place accessible to the public at the entrance to his office.

New law provides instead that the registrar shall ensure that each list is available for inspection by members of the public at the principal office of the registrar when the office is open. New law requires the lists to be posted on the website of the secretary of state at least until the election returns have been promulgated. New law requires the registrar to post notice at the entrance to his office informing the public of the availability of the lists.

New law requires the registrar to permit the copying of lists of early and absentee by mail voters prepared pursuant to present law upon the request of a single person of the age of majority instead of 25 or more qualified voters.

(Amends R.S. 18:154 and 1311)

Voting System Secrecy (Act 712)

New law prohibits the registrar, clerk of court, and the Dept. of State from disclosing computer system or program information (including

software, related menus, flow charts, network diagrams, passwords, source materials, prompts, dialogues, operating manuals, programming materials or instructions, and any other computer operating or support materials) concerning the state voter registration computer system and election management system or voting equipment, and any information contained within the state voter registration computer system, and election management system which if disclosed may impair the security of the statewide voter registration system and election management system or the integrity of the information maintained on the systems or voting equipment.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 18:154(G)(4) and (5))

Withdrawals from Elections (Act 657)

New law provides that if there are only two candidates remaining in a primary or general election for a public office, the secretary of state will accept a notice of withdrawal that is filed prior to 4:30 p.m. on the second day prior to the election. New law provides that the candidate remaining after the withdrawal is declared elected by the people.

Effective upon signature of the governor (June 1, 2018).

(Adds R.S. 18:501(C))

Precinct Boundaries and Censuses (Act 550)

Present law provides that the requirement that the parish governing authority is responsible for all election expenses incurred in a small precinct that has less than 300 registered voters and does not meet one of certain exceptions shall not apply from Jan. 1, 2009, through Dec. 31, 2013.

New law provides instead that such requirement does not apply during the period of Dec. 31st of any year ending in zero and Jan. 1st of any year ending in three.

Present law provides relative to changing the boundaries of precincts; authorizes the parish governing authority to change the configuration, boundaries, or designation of an election precinct; provides for requirements for changing precinct boundaries; provides that no election precinct shall be created, divided, abolished, or merged, or the boundaries thereof otherwise changed between Jan. 1st of any year of which the last digit is nine and Dec. 31st of any year of which the last digit is three, unless ordered by a court of competent jurisdiction; and provides exceptions. Present law contains specific dates regarding the establishment of precincts and mergers of precincts for the 2010 federal decennial census and the redistricting efforts following said census.

New law provides instead that no election precinct shall be created, divided, abolished, or merged, or the boundaries thereof otherwise changed between Dec. 31st of any year of which the last digit is zero and Jan. 1st of any year of which the last digit is three.

New law removes language regarding mergers of precincts to accomplish reapportionment and removes specific language regarding the establishment of block boundaries for the 2010 federal decennial census and precinct changes during the time that redistricting efforts following said census occurred.

New law provides instead that in order to establish block boundaries for a subsequent federal decennial census, precinct mergers submitted for review through Dec. 31st of any year ending in nine shall not be subject to the requirement that all parts be in the same voting districts. New law provides that such mergers shall be effective for March 31st for the federal decennial census and for reapportionment and redistricting purposes following that federal decennial census and not later than July 1st of any year the last digit is one for all purposes.

Present law further provides relative to precinct mergers that the secretary of state shall make a determination that all parts of the precinct be in same voting districts. New law allows a merger if the secretary of state makes a determination that

the voting machine is capable of accommodating all elections that will occur in the precinct if the proposed merger occurs and the proposed merger will not cause voter inconvenience.

Present law also prohibits an election precinct from being created, divided, abolished, or merged, or the boundaries thereof otherwise changed, between Jan. 1st of any year of which the last digit is nine and Dec. 31st of any year of which the last digit is three. New law removes this restriction.

(Amends R.S. 18:532 and 532.1; Repeals R.S. 18:1903)

Recall Elections (Act 257)

Present law provides that the minimum percentage of electors who must sign the petition is 40% if fewer than 1,000 electors reside in the district.

Old law provided that the minimum percentage of electors who must sign the petition is 33-1/3% if 1,000 or more electors reside in the district.

New law provides for the following minimum percentages to call a recall election in election districts wherein 1,000 or more electors reside:

- (1) 33-1/3% if 1,000 or more but fewer than 25,000 qualified electors reside within the voting area.
- (2) 25% if 25,000 or more but fewer than 100,000 qualified electors reside within the voting area.
- (3) 20% if 100,000 or more qualified electors reside within the voting area.

New law requires the petition to contain a clear statement of the reason or reasons for the recall.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1300.2(B); Adds R.S. 18:1300.6)

Recall Petitions (Act 535)

New law requires (in addition to many requirements in present law) a recall petition to include the signatures of the chairman and the vice chairman.

New law requires that upon filing the recall petition, the chairman and vice chairman are to provide a copy of a picture identification that contains the name and signature of the chairman and vice chairman respectively, or copies of current utility bills, bank statements, government checks, paychecks, or other government documents that show the name and address of the chairman and vice chairman, respectively.

Effective upon signature of the governor (May 23, 2018).

(Amends R.S. 18:1300.2(C)(1) and 1300.5(A))

Nursing Home Early Voting (Act 546)

Prior law provided that a qualified voter who resides in a nursing home within the parish in which he is entitled to vote and who is unable to vote in person at the polls on election day or during early voting due to a physical disability may vote early pursuant to the program.

New law repeals the requirement that the voter be unable to vote in person at the polls on election day or during early voting to be eligible to participate in the program. New law otherwise retains prior law.

Present law provides that a voter who participated in the former Special Program for Handicapped Voters as such program existed prior to Jan. 1, 2010, and who is a resident or has become a resident of a nursing home is eligible to participate in the program.

Prior law provided that a voter is eligible to participate in the program if the voter resides in a nursing home and provides to the registrar of voters current proof of disability from a physician along with a certification from the physician that the voter is unable to appear in person to vote either during early voting or at the polling place.

New law repeals the requirement to submit proof of disability and a certification from a physician. New law instead provides that a voter is eligible to participate in the program if the voter certifies that he is a resident of the nursing home.

Prior law defined "nursing home" to include a veterans' home operated by the state or federal government where a person who is unable to vote in person at the polls or during early voting because of a physical disability resides.

New law repeals requirement that the veterans' home be one where a person who is unable to vote in person at the polls or during early voting because of a physical disability resides. New law otherwise retains prior law.

Effective January 1, 2019.

(Amends R.S. 18:1333(A), (B), (C)(2), and (D))

Voting Machine Visibility (Act 304)

Old law provided that the voting machines must be in full view of the public from the time the election begins until the last elector has voted.

New law provides that the voting machines shall be in full view of the public beginning when the polling place is opened, instead of when the election begins. New law specifies that the requirement applies during each day of early voting to voting machines used during early voting and on election day to machines used on election day.

(Amends R.S. 18:1374)

TITLE 19: EXPROPRIATION

Lafayette Road Widening Project (Act 419)

Prior law authorized the city of Lafayette and the parish of Lafayette to expropriate by a declaration of taking property needed for the Kaliste Saloom Road Widening Project.

New law retains prior law and authorizes the expropriation by a declaration of taking property needed for the construction, repair, or

enhancement of drainage, roads, or bridges by the city of Lafayette and the parish of Lafayette.

Effective August 1, 2018.

(Amends R.S. 19:139(A) and (D))

TITLE 20: HOMESTEADS AND EXEMPTIONS

TITLE 21: HOTELS AND LODGING HOUSES

AirBnB Cameras (Act 633)

New law prohibits the use of a camera on the premises of a short-term rental structure unless notice is provided to the occupants.

(Adds R.S. 21:61)

TITLE 22: INSURANCE

Electronic Filing of Applications (Act 18)

New law permits the commissioner to permit or require the electronic filing of an application for any license or registration.

Effective August 1, 2018.

(Amends R.S. 22:42(F))

Electronic Payment of Claims (Act 27)

Prior law required all claims brought by insureds, workers' compensation claimants, or third parties against an insurer to be paid by check or draft of the insurer to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or his attorney, or upon direction of the claimant to anyone specified.

New law retains prior law and requires the claim payment to be made by electronic transfer of funds, if that method is offered by the carrier and requested by the claimant.

Effective August 1, 2018.

(Amends R.S. 22:41(13) and 1892(C)(1))

Surplus Lines Insurance (Act 7)

Old law defined surplus lines insurance as any property and casualty insurance in this state on property, risk, or exposure located or to be performed in this state, permitted to be placed through a licensed surplus lines broker with a surplus lines insurer. New law expands the definition to include health and accident insurance.

Old law defined surplus lines insurer as an approved unauthorized insurer or eligible unauthorized insurer, or a domestic surplus lines insurer. New law excludes health maintenance organizations from the definition.

Present law requires notification that there is no guaranty fund coverage for surplus lines policies. New law adds to the required notice a statement that there is no life and health guaranty fund coverage for surplus lines health and accident policies.

Present law exempts surplus lines insurers from the requirement to file rates and forms with the commissioner of insurance. New law adds an exception for public carrier vehicles.

New law permits the commissioner of insurance to require the filing of rates and forms for health and accident policies other than health stop loss and limited benefit policies.

Old law defined a surplus lines broker as an insurance producer who solicits, negotiates, or procures a property and casualty policy with an insurance company not licensed to transact business in La. which cannot be procured from insurers licensed to do business in La. New law eliminates the references to property and casualty to expand the definition to all types of coverage available through surplus lines insurance.

Present law authorizes any licensed property and casualty insurance producer maintaining an office at a designated location in this state and having at least two years experience in the insurance business with an insurer or as an

insurance producer to be licensed as a surplus lines broker. New law expands the authorization to any licensed health and accident insurance producers.

Effective Jan. 1, 2019.

(Amends R.S. 22:46, 433, 438, 446, 1542, and 1547)

Non-Profit Funeral Service Associations (Act 12)

Old law required all of the corporate powers of a nonprofit funeral service association to be vested in and the affairs of the association to be managed by a board of directors who shall be policyholders in good standing.

New law repeals the requirement that the board members be policyholders.

Old law required the commissioner of insurance, whenever any nonprofit funeral service association fails to comply with present law or its articles or bylaws in any respect, to immediately notify the officers of the association to that effect, specifying in what respects the association is failing to comply and, if after such notice the association continues to be noncompliant, to apply for liquidation of the association.

New law changes the requirement for the commissioner to apply for liquidation to an authorization to apply for rehabilitation or liquidation.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:200(A) and 213(B))

Payment for Motor Vehicle Reports (Act 278)

New law requires any insurer doing business in this state to accept a current copy of any motor vehicle report procured by a licensed producer or licensed insurance agency on behalf of a client in the quoting and underwriting of automobile insurance. New law provides that the motor vehicle report shall be deemed current if the

report was issued within 15 days of the requested quote.

New law prohibits an insurer who chooses to procure a motor vehicle report, after having been provided with a current motor vehicle report by a producer or agency, from passing that cost on to the producer, agency, client, or insured.

New law authorizes an insurer who did not receive a current motor vehicle report from an agency or producer with the request for a quote to procure any necessary motor vehicle report.

New law further authorizes the insurer to provide the producer or agency with a current copy of the motor vehicle report and charge the actual cost of the motor vehicle report to the producer or agency seeking the quote.

New law authorizes the producer or agency to charge the client the actual cost of the motor vehicle report.

(Amends R.S. 22:855(B)(2)(d); Adds R.S. 22:855(B)(2)(e))

Health Insurance Rebates (Act 579)

New law requires certain health insurance issuers to notify enrollees and prospective enrollees that they may be subject to an excess consumer cost burden when an enrollee is charged more for a prescription drug than his issuer pays or would pay after accounting for the issuer's estimate of at least 50% of future rebate payments for the enrollee's actual point of sale prescription drug claim.

New law requires certain health insurance issuers to annually make available to the commissioner of insurance information regarding the value of rebates expressed as a percentage that the health insurance issuer made available to enrollees at the point of sale.

New law prohibits a health insurance issuer from publishing or otherwise revealing information regarding the actual amount of rebates the health insurance issuer receives, including but not limited to information regarding the amount of

rebates it receives on a product, manufacturer, or pharmacy specific basis.

New law provides that such information is a trade secret, is not a public record as defined under prior law (Public Records Law), and will not be disclosed directly or indirectly.

New law requires a health insurance issuer to impose the confidentiality protections of new law on any third parties or vendors with which it contracts that may receive or have access to rebate information.

New law applies to health insurance issuers that offer or renew health benefit plans for sale in the state on or after Jan. 1, 2020.

Effective August 1, 2018.

(Amends R.S. 44:4.1(B)(11); adds R.S. 22:976)

Health Insurance Cards (Act 62)

Old law required every identification card, membership card, insurance coverage card, or other documentation of coverage issued to any policyholder or health plan participant by a health insurer for a plan that is fully insured to include the phrase "Non-ERISA" prominently displayed on the face of the card or other documentation.

New law changes the required phrase to "Fully Insured".

Effective Jan. 1, 2019.

(Amends R.S. 22:984(C))

Insurers and Pharmacy Benefit Managers (Act 423)

New law prohibits an insurer or pharmacy benefit manager from requiring any license, accreditation, affiliation, or registration other than those required by federal or state government. New law requires that any contract provision in conflict with new law is severable from the contract and is to be considered null and void, and not enforceable in this state.

New law authorizes the attorney general to enforce new law if an insurer or pharmacy benefit manager denies the jurisdiction, regulatory, or licensing authority of the DOI.

New law requires the La. Board of Pharmacy and the La. State Board of Medical Examiners to develop a single uniform prescription drug prior authorization form for all health insurance issuers, Medicaid managed care organizations, and their respective pharmacy benefit managers. New law provides that the single uniform prescription drug prior authorization form does not apply to specialty drugs or in cases where electronic prescriptions are utilized.

New law authorizes the DOI, under its regulatory authority in Title 22, and the LDH, pursuant to its contracts with Medicaid managed care organizations, to impose sanctions for failure to comply with the requirement of using only the single uniform prescription drug prior authorization form.

New law implements use of the single uniform prescription drug prior authorization form on and after January 1, 2019.

Effective upon signature of the governor (May 23, 2018), except provisions as to prior authorization form requirements are to be effective January 1, 2019.

(Amends R.S. 22:1006.1 and R.S. 46:460.33; adds R.S. 22:1651(J))

Hearing Aid Insurance (Act 151)

New law applies to insurers and nonprofit health service plans, including the Office of Group Benefits, that provide hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in Louisiana.

New law requires each entity that provides coverage of hearing aids to individuals aged 18 and over to allow any covered individual to choose a hearing aid priced higher than the benefit payable under the applicable policy,

contract, program, or plan, and provides that the amount payable by the entity shall be in accordance with the policy, contract, program, or plan and any additional amounts payable to the hearing aid provider shall be paid by the covered individual.

New law applies to any new policy, contract, program, or plan issued on or after January 1, 2019. New law requires any policy, contract, program, or plan in effect for an adult prior to January 1, 2019, to convert to new law on or before the renewal date but in no event later than January 1, 2020. New law provides that hearing aid providers may offer the option described in new law on or after January 1, 2019.

Effective August 1, 2018.

(Amends R.S. 22:1038)

Health Insurance Coverage for Prisoners Awaiting Trial (Act 20)

New law, beginning January 1, 2019, requires every health insurance policy issued in this state, except for the Office of Group Benefits, to provide health care insurance coverage for an insured who is incarcerated but who has not been adjudicated or convicted of a criminal offense. New law prohibits alteration of the terms and conditions of applicable coverage and requires applicability for all services provided.

New law applies only if the detainee has valid health care coverage in effect at the time medical treatment is received and any premiums for the coverage are current.

New law applies to all health insurance policies in effect on January 1, 2019, and upon their renewal.

Effective August 1, 2018.

(Adds R.S. 22:1056)

Pharmacists and Pharmacy Benefit Managers (Act 597)

New law prohibits a contract provision prohibiting a pharmacist from disclosing any relevant information to an insured individual purchasing prescription medication, including but not limited to the insured's cost share of the prescription medication, actual reimbursement to the pharmacist for the sale of the prescription medication, efficacy of the prescription medication, and the availability of any alternative medications that are less expensive than the prescription medication.

New law requires a pharmacy benefit manager to reimburse a pharmacy or pharmacist in this state an amount not less than the amount that the pharmacy benefit manager reimburses an affiliate of the pharmacy benefit manager for providing the same services.

New law requires a pharmacy benefit manager, for every drug for which the pharmacy benefit manager establishes a maximum allowable cost to determine the drug product reimbursement, to make available to all pharmacies both of the following:

- (1) Information identifying the national drug pricing compendia or sources used to obtain the drug price data.
- (2) The comprehensive list of drugs subject to maximum allowable cost and the actual maximum allowable cost by plan for each drug.

Present law requires a pharmacy benefit manager to perform certain actions after an appeal relative to maximum allowable cost is upheld.

New law requires the pharmacy benefit manager, if the appeal is granted, to take the following actions:

- (1) Make the change in the Maximum Allowable Cost List to the initial date of service the appealed drug was dispensed.

- (2) Permit the appealing pharmacy and all other pharmacies in the network that filled prescriptions for patients covered under the same health benefit plan to reverse and resubmit claims and receive payment based on the adjusted maximum allowable cost from the initial date of service the appealed drug was dispensed.
- (3) Make the change effective for each similarly situated pharmacy as defined by the payor subject to the Maximum Allowable Cost List and individually notify all pharmacies in the pharmacy benefit manager's network.
- (4) Make retroactive price adjustments in the next payment cycle.

New law authorizes a pharmacist or pharmacy to file a complaint with the commissioner of insurance following a final decision of the pharmacy benefit manager and provides for the investigation of the complaint.

New law authorizes the commissioner to impose a reasonable fee upon pharmacy benefit managers, in addition to a license fee and annual report fee, in order to cover the costs of implementation and enforcement of law.

Effective Jan. 1, 2019.

(Amends R.S. 22:1060.6, 1863, 1864 and 1865; Adds R.S. 22:1860.3)

Health Insurers and Opioid Prescriptions (Act 372)

New law prohibits a health insurance issuer from denying coverage of a non-opioid prescription drug in favor of an opioid prescription drug.

New law provides when opioids are deemed medically necessary by a licensed physician, it shall be unlawful for an insurer to deny a physician prescribed medication and recommend an alternative prescription which requires any of the following:

- (1) An increased number of pills per prescription.
- (2) A higher Drug Enforcement Administration schedule medication than the one prescribed.
- (3) The substitution of an extended release medication that does not have defined abuse deterrent properties for a prescription of a medication that does have defined abuse deterrent properties.

Effective August 1, 2018.

(Adds R.S. 22:1060.7)

Cancer Screening after Bilateral Mastectomy (Act 461)

New law requires any health benefit plan delivered or issued for delivery in this state to include coverage for an annual preventive cancer screening for an insured or enrollee who was previously diagnosed with breast cancer, completed treatment for the breast cancer, underwent a bilateral mastectomy, and was subsequently determined to be clear of cancer.

New law requires written notice of the availability of coverage for the screening to be delivered to the insured or enrollee upon enrollment and annually thereafter as approved by the commissioner of insurance.

New law prohibits a health benefit plan from doing any of the following:

- (1) Denying to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of new law.
- (2) Penalizing or otherwise reducing or limiting the reimbursement of an attending provider, or providing monetary or nonmonetary incentives to an attending provider, to induce the provider to provide care to an insured or

enrollee in a manner inconsistent with new law.

- (3) Reducing or limiting coverage benefits to a patient for the preventive services performed as determined in consultation with the attending physician and patient.

New law requires the annual preventive cancer screening provided for in new law to be a covered service in the Louisiana Medicaid Program.

New law applies to any new policy, contract, program, or health coverage plan issued on and after Jan. 1, 2019. Any policy, contract, or health coverage plan in effect prior to Jan. 1, 2019, shall convert to conform to the provisions of new law on or before the renewal date, but no later than Jan. 1, 2019.

Effective Jan. 1, 2019.

(Adds R.S. 22:1077.1 and R.S. 46:975.1)

Denial of Dental Services Claims (Act 208)

New law prohibits a dental service contractor from denying any claim subsequently submitted for procedures specifically included in a prior authorization, unless at least one of the following circumstances applies for each procedure denied:

- (1) Benefit limitations (such as annual maximums and frequency limitations) not applicable at the time of prior authorization are reached due to utilization subsequent to issuance of the prior authorization.
- (2) The documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized.
- (3) If, subsequent to the issuance of the prior authorization, new procedures are provided to the patient or a change in the patient's condition occurs such that the prior authorized procedure would no longer be considered medically

necessary, based on the prevailing standard of care.

- (4) If, subsequent to the issuance of the prior authorization, new procedures are provided to the patient or a change in the patient's condition occurs such that the prior authorized procedure would at that time require disapproval pursuant to the terms and conditions for coverage under the patient's plan in effect at the time the prior authorization was issued.
- (5) Another payor is responsible for the payment.
- (6) The dentist has already been paid for the procedures identified on the claim.
- (7) The claim was submitted fraudulently or the prior authorization was based in whole or material part on erroneous information provided to the dental service contractor by the dentist, patient, or other person not related to the carrier.
- (8) The person receiving the procedure was not eligible to receive the procedure on the date of service and the dental service contractor did not know, and with the exercise of reasonable care could not have known, of the person's eligibility status.

New law prohibits a dental service contractor from requiring any information to be submitted for a prior authorization request that would not be required for submission of a claim, and requires the dental service contractor to issue a prior authorization within 30 days of the date a request is submitted by a dentist.

New law prohibits a dental service contractor from denying or recouping a claim solely due to a patient's loss of coverage or ineligibility if, at the time of treatment, the contractor erroneously confirms coverage and eligibility, but had sufficient information available to it indicating that the patient was no longer covered or was ineligible for coverage.

Effective on Jan. 1, 2019.

(Amends R.S. 22:1155)

Business Entity Registration (Act 11)

Present law requires every member, partner, officer, director, and person who controls directly or indirectly 10% or more of a resident business entity to be registered with the Dept. of Insurance under the business entity's license.

New law expands the registration requirement to include any person who controls directly or indirectly 10% or more of a producer business entity.

(Amends R.S. 22:1546(B)(1)(a)(i))

Designation of Persons Responsible for Compliance (Act 13)

New law requires the commissioner of insurance, when a business entity has no one designated to be responsible for compliance with the insurance laws, rules, and regulations of this state, to notify the business entity in writing, and the business entity to designate one or more licensed individual producers to be responsible.

New law requires the commissioner, if the business entity fails to designate a licensed individual within 30 days of written notice, to inactivate the license immediately, but provides that inactivation shall not be construed as a disciplinary or regulatory action.

New law authorizes the commissioner to reactivate the license upon compliance prior to the expiration of the license.

(Amends R.S. 22:1547)

Felons in Insurance Business (Act 299)

Present law prohibits an insurance producer from employing or associating with the producer's business, in any manner, any person engaged in the business of insurance who has been convicted of a felony under the laws of this state or any

other state, the United States, or any foreign country.

New law permits the commissioner of insurance to grant or deny consent or a waiver in his discretion to authorize the employment of the person convicted of a felony.

(Amends R.S. 22:1554(A)(18))

License Application after Revocation (Act 72)

Old law prohibited a licensee whose license has been revoked to file another application for a license within one year from the effective date of the revocation, or, if judicial review of the revocation is sought, within five years from the date of final court order or decree affirming the revocation.

New law reduces the prohibited period to one year after the effective date of the revocation or from the date of final court order or decree affirming the revocation.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1554(E)(1))

Bail Bond Agencies and Producers (Act 563)

Old law required, upon first unlicensed practice violation, the commissioner of insurance to suspend the license of a bail bond agency or producer to write or solicit bail bonds for six months and impose a fine in an amount not to exceed \$5,000.

Old law further required, for any subsequent violation, the commissioner to suspend the license for not more than one year and impose a fine not to exceed \$10,000.

New law changes the requirement to suspend the license and impose a fine to an authorization to take such actions.

Old law required the commissioner of insurance to impose a fine in an amount not to exceed \$5,000 for each bribery violation.

New law changes the requirement to impose a fine to an authorization to impose a fine.

New law authorizes the commissioner of insurance to decide if a prohibited act committed by a licensed bail enforcement agent contracted with a bail bond agency or producer may serve as the sole basis for a suspension or revocation of the agency's or producer's license or the imposition of a fine on the bail bond agency or producer, absent a finding by the Dept. of Insurance that the bail bond agency or producer had actual or constructive knowledge of or participated in the prohibited act.

Nothing in new law shall be construed to alter, amend, restrict, or limit the liability of any of any bail bond agency or producer or bail enforcement agent.

(Amends R.S. 22:1556(C) and (D); Adds R.S. 22:1586)

Owners of Insurance Producers (Act 127)

Present law prohibits an insurer or insurance producer from paying money or commission or brokerage, or giving or allowing any valuable consideration or compensation, to any person or business entity not duly licensed as an insurance producer, nor to an insurer not licensed to do business in this state, for or because of service rendered or performed in this state in selling, soliciting, negotiating, or effecting a contract of insurance on any property or risks, or insurable interests, or business activities located within or transacted within this state.

The prohibition does not apply to the distribution of profits to the owners of an insurance agency business entity licensed as a producer if the business entity has complied with the provisions of present law and the owners are not, among other things, persons found to have violated any provision of the Louisiana Insurance Code.

New law repeals the requirement that the owners not have been found to violate any provision of the Louisiana Insurance Code.

New law adds an exception for the distribution of profits to the owner of an insurance agency business entity licensed as a producer if the owner has:

- (9) The written consent or a waiver from the commissioner to engage in the business of insurance, or
- (10) An individual insurance producer license issued subsequent to any plea or conviction described in present law.

(Amends R.S. 22:1562)

Bail Bond Producer Pre-Licensing Programs (Act 10)

Old law required each registered insurance producer or bail bond producer prelicensing program to provide instruction by a qualified instructor in a structured setting or by verifiable approved self-study with a minimum of 20 hours of supervised instruction or self-study. New law exempts bail bond producer prelicensing programs.

(Amends R.S. 22:1571(E)(1))

Continuing Education Requirements (Act 15)

Prior law provided continuing education requirements for renewal of an insurance producer's La. license.

New law exempts any nonresident licensee who meets the continuing education requirements for his home state and whose home state gives continuing education credit to resident licensees of this state on a reciprocal basis.

Effective August 1, 2018.

(Adds R.S. 22:1573(N))

Bail Bond Apprentice Program (Act 100)

New law requires a registrant and supervising bail bond producer to notify the commissioner of insurance of any changes to the registration

information within 15 days of the effective date of the change.

New law requires the supervising bail bond producer to notify the commissioner of the termination of an incomplete apprenticeship within 15 days of the termination.

New law provides that an apprenticeship shall terminate if not completed within six months of the date of initial registration.

(Amends R.S. 22:1574)

Third Party Administrator Licenses (Act 101)

Present law requires the commissioner of insurance to suspend or revoke the license of a third party administrator or impose a fine if the commissioner finds that the administrator is using methods or practices in the conduct of business that render the further transaction of business in this state hazardous or injurious to insured persons or the public.

New law further requires the commissioner to deny an application for a license on the same basis.

Present law authorizes the commissioner to suspend or revoke the license of a third party administrator or impose a fine if the commissioner finds the administrator has performed certain acts or meets certain criteria.

New law authorizes the commissioner to deny an application for a license on the same basis. New law adds the basis of having provided incorrect, misleading, incomplete or materially false information or omitted material information in the license application.

(Amends R.S. 22:1654)

Drug Managers and Manufacturers (Act 371)

Present law requires pharmacy benefit managers to be licensed by the Dept. of Insurance (DOI).

New law requires DOI to have a dedicated location on the department's website to publish

pharmacy benefit manager information, including the formulary and timely notification of formulary changes by each licensed pharmacy benefit manager.

New law requires pharmacy benefit managers, beginning June 1, 2020, to issue an annual transparency report that discloses aggregate data on rebates received from drug manufacturers, administrative fees, and aggregate rebates received that did not pass through to the health benefit plan or insurer. New law requires DOI to publish the transparency report within 60 days of receipt from the pharmacy benefit manager.

New law requires that not more than 30 days after an increase in wholesale acquisition cost of 50% or greater for a drug with a wholesale acquisition cost of \$100 or more for a 30-day supply, a pharmaceutical drug manufacturer is to notify the commissioner of insurance by electronic mail of the change.

Effective January 1, 2020, except new provisions authorizing the commissioner of insurance to adopt necessary rules, which are effective August 1, 2018.

(Amends R.S. 22:1657 and R.S. 44:4.1(B)(11); adds R.S. 22:1657.1)

Technical Changes (Act 16)

New law makes technical changes to conform to existing language in present law.

Effective August 1, 2018.

(Amends R.S. 22:1667)

Continuing Education Requirements (Act 17)

Prior law exempted from the continuing education requirement licensees not licensed for a full year prior to the end of the applicable continuing education biennium.

New law replaces the exemption for licensees not licensed for a full year with an exemption for individuals renewing an adjuster license for the first time after initial issuance.

New law makes grammatical changes to conform with language in prior law.

Effective August 1, 2018

(Amends R.S. 22:1673(B) and (C))

Health Insurance Claim Adjustments (Act 66)

New law prohibits a health insurance issuer from retroactively denying, adjusting, or seeking recoupment or refund of a paid claim submitted by a healthcare provider for services rendered in good faith and pursuant to the benefit plan for any reason after the expiration of 18 months from the date the initial claim was paid.

New law shall not be construed to supersede any provision of present law that prescribes a time period less than 18 months for the retroactive denial of payment or recoupment of monies paid for a claim or the reconsideration of the validity of a claim.

(Amends R.S. 22:1834(C) and 1838(F); Adds R.S. 22:1838(G))

Provider Network Directories (Act 290)

Present law requires a health insurance issuer to maintain a directory of its network of providers on the internet and to identify all healthcare providers that are not accepting new referrals of covered persons or are not offering services to covered persons.

New law requires a health insurance issuer to maintain a directory of its network of providers on the internet that includes the name, specialty, if any, street address, and telephone number of each healthcare provider and indicates whether the provider is accepting new patients.

New law requires the directory to be both electronically searchable by name, specialty, and location and publicly accessible without necessity of providing a password, a user name, or personally identifiable information.

New law requires the health insurance issuer to conduct an ongoing review of the directory and

correct or update the information as necessary not less than once every 20 business days, and to make certain updates even more quickly.

New law requires the directory to contain a conspicuously displayed email address, toll-free telephone number, or other mechanism that is easily accessible to which any individual may report any inaccuracy in the directory.

New law requires a health insurance issuer who receives three or more reports in any 30-day period that allege the issuer's directory inaccurately represents a provider's network participation status and are confirmed by the issuer's investigation to immediately report that occurrence to the commissioner of insurance. New law requires the commissioner to investigate the health insurance issuer's compliance with new law.

New law authorizes the Dept. of Insurance to collect an assessment in an amount determined by the commissioner from the health insurance issuer at the time of the investigation to cover all expenses attributable directly to the investigation, including the salaries and expenses of department employees and all reasonable expenses of the department necessary for the administration of new law.

New law authorizes the Dept. of Insurance to promulgate rules and regulations to provide for civil fines payable by a health insurance issuer not to exceed \$500 for each intentional act or act of gross negligence in violation of new law, not to exceed an aggregate fine of \$50,000.

New law provides that a health insurance issuer shall not be responsible for information that is inaccurately submitted or not submitted by healthcare providers as stated in their contract.

New law provides that the penalties established in new law are the exclusive remedy for any violations and prohibits an independent cause of action by any person based upon a violation or other information reported.

New law applies to the Office of Group Benefits; however, the commissioner of insurance shall

notify the commissioner of administration in writing within 30 days of a violation in lieu of levying an assessment or fine against the Office of Group Benefits.

Effective Jan. 1, 2019.

(Amends R.S. 22:1873 and 1879; Adds R.S. 22:1020.1-1020.6; Repeals R.S. 22:1019.2(B)(4))

Health Care Providers and Payers (Act 281)

Present law requires a health insurance issuer or managed care organization (MCO) contracting with a group of physicians that bills the health insurance issuer using a group identification number to pay the contracted reimbursement rate of the physician group for covered healthcare services rendered by a new physician to the group, without healthcare provider credentialing, in certain specified circumstances. New law expands the applicability to all healthcare providers.

Present law requires a health insurance issuer or MCO to comply with present law no later than 30 days after receipt of a written request from the physician group. New law expands the applicability to all healthcare providers.

Present law provides that compliance by a health insurance issuer or MCO shall not be construed to mean that a physician has been credentialed by an issuer or MCO or that the issuer or MCO is required to list the physician in a directory of contracted physicians. New law expands the applicability to all healthcare providers.

Present law authorizes a health insurance issuer or MCO, if the issuer or MCO completes the credentialing process on a new physician and determines that the physician does not meet the issuer's or MCO's credentialing requirements, to recover from the physician or the physician group an amount equal to the difference between appropriate payments for in-network benefits and out-of-network benefits if the health insurance issuer or MCO has notified the applicant physician of the adverse determination and initiated the recovery within 30 days of the

adverse determination. New law expands the applicability to all healthcare providers.

Present law authorizes the physician or the physician group to retain any deductible, coinsurance, or copayment collected or in the process of being collected as of the date of receipt of the health insurance issuer's determination, so long as the amount is not in excess of the amount owed by the insured or enrollee for out-of-network services. New law expands the applicability to all healthcare providers.

(Amends R.S. 22:1874(A)(5) and R.S. 46:460.62)

Healthcare Facility Notices (Act 288)

Present law requires a healthcare facility, at the first registration contact with a patient, to provide a written notice to the patient regarding the possibility of services being rendered to the patient by facility-based providers who are out-of-network providers. Present law requires that the patient be informed in the written notice that the patient may be responsible for all or part of the fees for out-of-network services.

New law requires the healthcare facility to provide the notice at the same time the facility provides the federally required notice of privacy practices for protected health information to a patient for whom the healthcare facility has knowledge that a contract with a health insurance issuer is effective or upon the request of the patient.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1880(C); Adds R.S. 22:1880.1)

Insurance Fraud Investigation and Prosecution (Act 147)

Prior law provided that provisions concerning the authority and funding of the insurance fraud investigation unit in the Department of Public Safety and Corrections will be null, void, and unenforceable on July 1, 2018.

Prior law provided that the Sledge Jeansonne Louisiana Insurance Fraud Prevention Act, which allows the attorney general to institute civil proceedings against any person who commits certain fraudulent insurance acts, terminates August 1, 2018.

New law extends these provisions of prior law until July 1, 2019.

Effective July 1, 2018.

(Amends R.S. 22:1931.13 and R.S. 40:1429)

Fines and Appeals Thereof (Act 14)

Prior law required that any person subject to the regulatory authority of the Dept. of Insurance who fails to comply with any directive issued by the commissioner in connection with a consumer complaint be fined an amount not to exceed \$250 for each occurrence.

New law changes the regulatory authority from the department to the commissioner of insurance and provides that the fine is imposed at the discretion of the commissioner.

New law retains prior law requirement that a person be given 10 days notice that a fine has been levied.

Prior law provided that upon receipt of this notice, the aggrieved party may apply for and is entitled to a hearing as provided in the Louisiana Insurance Code.

New law removes the requirement that a person aggrieved has to apply for a hearing.

Effective August 1, 2018.

(Amends R.S. 22:1995)

La. Insurance Guaranty Association (Act 695)

Present law establishes the La. Insurance Guaranty Association to provide for the payment of covered claims under certain insurance policies to claimants or policyholders due to the insolvency of an insurer, to provide financial

assistance to member insurers under rehabilitation or liquidation, and to provide an association to assess the cost of operations among insurers.

Old law required any person having a claim against an insurer to first exhaust all coverage provided by any other policy other than the person's own uninsured or underinsured motorist policy, including the right to a defense under the other policy, if the claim under the other policy arises from the same facts, injury, or loss that gave rise to the covered claim against the association.

New law repeals the exception for the person's own uninsured or underinsured motorist policy.

Present law requires any amount payable on a covered claim to be reduced by the full applicable limits of the other insurance policy, or the amount of the recovery under the other insurance policy, and provides that the association and the insured shall receive a full credit for the stated limits, unless the claimant demonstrates that the claimant used reasonable efforts to exhaust all coverage and limits applicable under the other insurance policy.

Present law provides that, if the claimant used reasonable efforts to exhaust all coverage and limits applicable under the other insurance policy, or if there are no applicable stated limits under the policy, the association and the insured shall receive a full credit for the total recovery.

Old law provided that the credit shall be deducted from the lesser of the following:

- (1) The association's covered claim limit.
- (2) The amount of the judgment or settlement of the claim.
- (3) The policy limits of the policy of the insolvent insurer.

New law repeals the option that the credit be deducted from the policy limits of the policy of the insolvent insurer.

Old law provided an exception for uninsured or underinsured motorist policies. New law repeals exception.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:2062(A)(1) and (2))

La. Life and Health Insurance Guaranty Association (Act 97)

New law adds health maintenance organizations as member insurers of the association and updates terminology accordingly.

New law adds an assessment on member insurers relative to long-term care policies and contracts.

New law adds an authorization for the reissuance of policies or contracts by the association.

Old law authorized the board of directors, upon majority vote, to request that the commissioner of insurance order an examination of any member insurer which the board in good faith believes may be an impaired or insolvent insurer. New law repeals old law.

Old law required the board of directors, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, to prepare a report to the commissioner containing information it may have in its possession relative to the history and causes of the insolvency. New law repeals present law.

(Amends R.S. 22:2082, 2083, 2085, 2088, 2090, 2091, 2093, 2098, and 2099)

Hearings under Insurance Code (Act 171)

Present law requires any demand for a hearing by an aggrieved person to be filed with the division of administrative law and the commissioner of insurance within 30 days after mailing of notice of the act or order to the aggrieved party's last known address or within 30 days after the delivery of notice of the act or order to the aggrieved party.

New law removes the requirement that the demand for a hearing be filed with the division of administrative law. New law requires the commissioner to provide the division of administrative law with a copy of a demand for a hearing by the aggrieved party within five days of receipt of the original.

Present law requires the division of administrative law to hold the hearing demanded within 30 days after receipt of the demand, unless postponed by mutual consent, or upon motion of either party for good cause shown or as ordered by the division of administrative law.

New law specifies that the time period starts upon receipt of the demand for a hearing from the commissioner of insurance.

Effective January 1, 2019.

(Amends R.S. 22:2191(B))

CPIC Offers (Act 131)

Present law requires the La. Citizens Property Insurance Corporation to offer all of its in-force policies for removal to the voluntary market at least once a year. Present law further requires the corporation to include offers for depopulation policies with all available geographic and risk characteristics that serve to reduce the exposure of the corporation.

New law changes the requirement to an authorization for the corporation, with approval of the board of directors, to offer some or all of its in-force policies for removal to the voluntary market at least once a year. New law requires the corporation to include in any offers for depopulation policies that based on geographic and risk characteristics serve to reduce the exposure of the corporation.

(Amends R.S. 22:2314(B)(1))

Reinsurance (Act 684)

New law authorizes the commissioner of insurance to apply for a state innovation waiver

and then establish and implement a reinsurance program pursuant to the waiver.

New law prohibits the creation of a state reinsurance program prior to the approval of the application for a state innovation waiver by the appropriate departments or agencies of the federal government.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 22:2461)

Electronic Communications by Insurers (Act 132)

New law authorizes an insurer to deliver, store, or present any notice to a party, or any other document required by law in an insurance transaction, or that is to serve as evidence of insurance coverage, by electronic means if the electronic means meets the requirements of the Louisiana Uniform Electronic Transactions Act.

New law requires the party to affirmatively consent electronically in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means to which the party has given consent.

New law requires the insurer to provide the party, prior to consent being given, a clear and conspicuous statement informing the party of various things.

New law requires an insurer to take all measures reasonably calculated to ensure that delivery by electronic means results in receipt of the notice or document by the party.

New law provides for the withdrawal of consent by a party.

New law requires an alternative method of delivery if:

- (1) The insurer attempts to deliver the notice or document by electronic means and has

a reasonable basis for believing that the notice or document has not been received by the party, or

- (2) The insurer becomes aware that the electronic mail address provided by the party is no longer valid.

New law limits the civil liability of an insurance producer for any harm or injury that occurs because of a party's election to receive any notice or document by electronic means, or by an insurer's failure to deliver or a party's failure to receive a notice or document by electronic means.

(Adds R.S. 22:2461-2469)

TITLE 23: LABOR AND WORKERS' COMPENSATION

Sexually Oriented Businesses (Act 703)

New law defines the term "sexually oriented business" as well as the various types of sexually oriented businesses.

New law provides that, for purposes of new law, an "employee" is defined as any individual who performs any service on the premises of a sexually oriented business on a full- or part-time basis. New law provides that an "employee" is not someone who is exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods.

New law defines "independent contractor" as an individual who, exercising independent employment or engaging in an independent business enterprise, contracts with a sexually oriented business to do work according to his own methods and without being subject to the control of the person or business with which he has contracted.

New law requires that an operator of a sexually oriented business verify the age and employment status of each potential employee through the U.S. Citizenship and Immigration Services E-Verify program or the completion of Form I-9 and retain the documentation proving such

eligibility to work in his records for at least three years.

New law requires that an operator of a sexually oriented business verify the age and work eligibility status of an independent contractor by requiring the independent contractor to submit a U.S. Citizenship and Immigration Services Form I-9 List A document or a List B document along with a completed Internal Revenue Service Form W-9 with a verified social security number.

New law requires that before hiring an employee or independent contractor, the operator shall require the potential employee or independent contractor to answer a questionnaire, provided by La. Workforce Commission (LWC), and retain the answers for his record. This questionnaire includes questions to give an indication whether or not a potential employee or independent contractor could be a victim of human trafficking.

New law requires that the questionnaire be retained by the operator for a period of three years after the last day of work and that it be stored in a locked or otherwise secure location.

New law requires that if an operator suspects that a potential employee, employee, or independent contractor is a victim of human trafficking that he contact local law enforcement or the National Human Trafficking Resource Center Hotline as soon as possible within 24 hours.

New law requires that notices regarding human trafficking be posted in English and Spanish.

New law allows the executive director of LWC, the commissioner of the office of alcohol and tobacco control, or a law enforcement agency of the state or its political subdivisions to conduct an investigation of an operator for violations of new law and that if the investigation shows that an operator has violated new law, the agency representative may notify the attorney general who may pursue civil charges against the operator in the 19th Judicial District Court.

New law provides that upon a finding that a violation has occurred, the court shall issue penalties as follows: for a first violation, a fine of

\$1,000, for a second violation, a fine of \$5,000, and for a third and any subsequent violation, a fine of \$10,000.

(Adds R.S. 23:1019.1-1019.6)

Workers' Compensation Administrative Fund (Act 12 of Second Extraordinary Session)

Prior law provided for the dedication, use, investment, and appropriation of monies in the Office of Workers' Compensation Administrative Fund (Fund).

Act 612 of the 2018 Regular Session revised the Fund by changing it from a Fund to an Account, and provided that the monies in the Account shall be considered fees and self-generated revenues available for annual appropriation by the legislature.

New law reverses the changes made to the Fund in Act 612. New law supercedes the provisions of the Act which originated as SB400 of the 2018 Regular Session (Act 612).

Effective upon signature of the governor (June 12, 2018).

(Amends R.S. 23:1170, 1172, 1172.1, 1172.2, 1178, 1291.1, 1310.3, and 1310.13)

Technical Changes (Act 314)

New law deletes a citation and a term that reference programs that were repealed and thus no longer applicable.

(Amends R.S. 23:1595(A) and 1741)

La. Workforce Commission (Act 329)

New law allows the La. Workforce Commission to send overpayment assessment notices electronically or by first class mail.

New law provides that the claimant may choose the method of correspondence delivery and that if no delivery method is chosen, the commission shall send the notice by certified or registered mail.

(Amends R.S. 23:1742(A))

TITLE 24: LEGISLATURE AND LAWS

Lobbying for the Government (Act 480)

Prior law prohibited state government employees from lobbying the legislature.

New law prohibits state government employees from contracting with lobbyists or for lobbying services by use of a contract, memorandum of understanding, cooperative endeavor agreement, or other similar agreement.

New law directs the division of administration to revoke agency authority to enter into such contracts and terminate any existing contracts for lobbying services and contracts with entities that include a scope of work that includes lobbying services.

Effective August 1, 2018.

(Amends R.S. 24:56(F))

Milk Prices Study Commission (Act 611)

New law creates the Dairy Stabilization Study Commission for the purposes of studying and reviewing milk pricing in La., recommending best practices and strategies to best assist the dairy industry, and recommending any necessary statutory and regulatory changes to the legislature and the Dept. of Agriculture and Forestry related to the study.

New law provides for the membership and meetings of the commission.

New law authorizes legislative members of the commission to receive the same per diem and travel allowance for attending meetings of the commission as is normally provided for meetings of legislative committees, and requires other members of the commission to serve without compensation.

New law requires the legislature to provide the facilities needed by the commission to accomplish its tasks and designates staff from the

Senate and House committees on agriculture, forestry, aquaculture and rural development to assist the commission in performing its duties.

New law requires the commission to study and make recommendations on various particular subjects related to milk pricing.

New law requires the commission to submit a written report of its findings and recommendations to the Senate president, the House speaker, the Senate and House committees on agriculture, forestry, aquaculture and rural development no later than 60 days prior to the 2019 Regular Session.

New law terminates the commission on June 30, 2019.

Effective August 1, 2018.

(Adds R.S. 24:121)

La. State Law Institute (Act 220)

Present law provides that the La. State Law Institute is the official advisory law revision commission, law reform agency, and legal research agency for the state of La. Present law provides that the governing body of the La. State Law Institute is a council composed of elected members and members who hold certain offices and who are appointed by certain entities.

New law adds one member to the council. New law provides that the additional member will be a judge who is a member of the Louisiana City Court Judges Association appointed by the president of the association or his designee.

Effective upon signature of the governor (May 15, 2018).

(Adds R.S. 24:202(A)(26))

Pre-Audit Best Practices (Act 470)

New law provides that the legislative auditor shall make available, including by posting on its website, a list of best practices in preparation for

an audit of public funds. New law lists a variety of practices that best practices may include.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 24:513(A)(8))

Statutory Dedications and Fees for Service (Act 530)

New law requires the legislative auditor to conduct a performance audit on each statutory dedication that includes a fee for service, at least once every four years, to determine if the fees are adequate to cover the costs associated with the service.

Effective upon signature of the governor (May 23, 2018).

(Amends R.S. 24:513(D)(4))

Submissions to Legislative Auditor (Act 531)

Prior law provided for the legislative auditor to develop additional criteria for submission in their annual audits by entities with revenues of more than \$75,000 per fiscal year in any parish having a population of not less than 225,000 and not more than 250,000 according to the latest federal decennial census.

New law allows entities with three years of no audit findings resulting from the submission of the additional information to now only have to comply with the provision of prior law every three years rather than yearly.

Effective August 1, 2018.

(Amends R.S. 24:513(J)(1)(c)(v)(aa))

Legislative Audit Reports (Act 274)

New law removes the requirement that the legislative auditor file copies of audits with the clerk of court and for the clerk of court to make the audits available, and provides instead that the legislative auditor shall make available, via his website, all audit reports.

(Amends R.S. 24:516(A))

TITLE 25: LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC

Livingston Parish Library (Act 36)

New law authorizes the Livingston Parish Library, subject to the approval of the Livingston Parish Library Board of Control, to sell unnecessary books (rather than give them away).

Effective August 1, 2018.

(Adds R.S. 25:151(B)(5) and (C)(4))

Advisory Bd. of the Old State Capitol and the Regional Museum Governing Bd. of the La. State Exhibit Museum (Act 439)

New law changes membership of the Advisory Bd. of the Old State Capitol in the Dept. of State.

Old law provided that board members shall serve without compensation, but shall receive their actual expenses incurred in attending any meeting of the board. New law deletes provision for payment of meeting expenses.

New law changes membership of the Regional Museum Governing Bd. of the La. State Exhibit Museum within the Dept. of State.

(Amends R.S. 25:373 and 379.1)

Old Arsenal Museum (Act 2)

Continuing law provides that the superintendent of state buildings shall have charge of the management, operation, and maintenance of the Old Arsenal Museum under the authority and direction of the governor, the speaker of the House of Representatives, and the president of the Senate.

New law repeals old laws that provided that the Department of Culture, Recreation, and Tourism had supervision and general administrative control over the Old Arsenal.

Effective upon signature of the governor (April 20, 2018).

(Repeals R.S. 25:551-553, R.S. 25:802(A)(7) and (B)(11), and R.S. 36:209(H)(11))

TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES

Alcoholic Beverage Permit Fees (Act 449)

Old law allowed the commissioner, prior to Aug. 1, 2016, to waive all state application fees, or provide a credit for the fee, when a permit is not issued within three business days after receipt of a properly completed application for an alcohol beverage permit. New law removes this provision.

(Amends R.S. 26:79 and 279)

Wine Delivery to Homes (Act 606)

Prior law provided that wine producers may ship sparkling wine or still wine directly to a consumer in Louisiana if the total amount of sparkling wine or still wine shipped in 750 ml bottles does not exceed 144 bottles per adult person per household address per year.

Prior law provided that, for beverages of low alcoholic content, the package in which sparkling wine or still wine is shipped must be received by a person 21 years of age or older.

New law retains prior law and applies the same condition for beverages of high alcoholic content.

New law requires the person receiving sparkling wine or still wine to show proof of age at the time of delivery.

Effective August 1, 2018.

(Amends R.S. 26:85 and 359)

Retail Dealers and Illegal Substances (Act 170)

Present law prohibits a person holding a retail dealer's permit from permitting the illegal sale, offering for sale, possession, or permitting the

consumption of any type of controlled dangerous substances, or any type of narcotic or habit forming drug on the premises of certain alcoholic beverage outlets.

New law prohibits a person holding a retail dealer's permit from permitting the illegal sale, offering for sale, possession, or permitting the consumption of any type of controlled dangerous substance or other illegal substance on the premises.

(Amends R.S. 26:90(A)(11) and 286(A)(11))

Wet vs. Dry Area Elections (Act 334)

Present law provides procedures and requirements for elections held to determine whether the sale of alcoholic beverages will be conducted and licensed in an area.

Old law provided that the date on which the election is to be held must be more than 45 days after the date verification of a sufficient petition was filed with the governing authority by the registrar of voters. New law repeals old law.

New law provides that written notice of the election shall be transmitted to the secretary of state and each clerk of court and registrar of voters in the area affected by the election.

New law provides that if the election is to be held on a primary election date, such notice shall be received by the secretary of state at least four weeks prior to the opening of the qualifying period for the primary election.

New law provides that if the election is not to be held on a primary election date, then the notice shall be received by the secretary of state on or before the 54th day prior to the election.

New law provides that the secretary of state shall not accept any revisions to propositions, including but not limited to changes in title, text, or numerical designations, after the last day for submission of the notice to the secretary of state.

Old law required the voter to make an "X" in the square to indicate a vote. New law repeals old law.

Old law provided that elections shall be conducted as nearly as possible in accordance with the election laws of the state, and provided requirements for voting machines. New law repeals old law and provides that elections are conducted in accordance with the La. Election Code.

Old law provided relative to effectiveness of petitions that fail to comply and conducting elections, provided a deadline for bringing suit, and provides that any elector qualified to vote in the election may demand a recount or contest the election.

New law repeals old law and provides instead that if a petition fails to comply with the requirements law, an action objecting to the calling of the election may be instituted by any elector who is qualified to vote in the election. New law provides that any such action shall be instituted not later than 4:30 p.m. of the 14th day after calling the election.

New law provides that an action contesting an election shall be instituted not later than 4:30 p.m. of the 30th day after the official promulgation of the results of the election. New law specifies that Chapter 9 of the La. Election Code shall be applicable to any such suit and that La. Election Code shall govern recount of ballots and contest of elections.

Old law authorized the parish board of election supervisors to supervise elections, provided for compensation of members, provided that the board appoints three commissioners and a clerk to preside over the election at each precinct, and provided qualifications for appointees. New law repeals old law.

Old law provided that the governing authority calling the election shall promulgate the result by resolution or ordinance adopted at its first regular meeting after the election and shall publish it in the official journal of the parish. New law repeals old law and provides instead that the governing

authority shall examine and canvass the returns and promulgate the result of the election in accordance with R.S. 18:1292 and requires the governing authority calling the election to preserve a proces verbal of the canvass in accordance with present law (R.S. 18:1293).

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 26:587(C), 588(B), 589, 590, 591, and 594; Repeals R.S. 26:592 and 593)

Vapor Products (Act 683)

New law changes the definition of "vapor product" to clarify that nicotine and other substances being turned into vapor by the device are included in the definition of "vapor product".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 26:901(31))

Responding to Bad Sexual Behavior (Act 706)

New law requires the Louisiana Alcohol and Tobacco Commissioner (ATC) to create and distribute an informational pamphlet that addresses methods of identifying and responding to rape, sexual assault, sexual harassment, and sex trafficking. ATC is responsible for updating its responsible vendor handbook with the same data that is listed in the informational pamphlet.

New law authorizes the informational pamphlets to be distributed to existing and newly hired bartenders, servers, and security personnel.

New law includes an immunity clause for bartenders, servers, and security personnel for reporting or failing to report any sexual assault, rape, sexual harassment, or sex trafficking incident.

(Amends R.S. 26:933)

TITLE 27: LOUISIANA GAMING CONTROL LAW

Riverboat Gaming (Act 469)

Present law defines "designated gaming area" as that portion of a riverboat in which gaming activities may be conducted. Present law provides that the designated gaming area may not exceed 60% of the total square footage of the passenger access area of the vessel or 30,000 square feet, whichever is less.

New law provides that the designated gaming area may not exceed 2,365 gaming positions and otherwise retains prior law.

New law defines "gaming position" as a seat at a gaming device or a space at a table game, with each device seat counted as one position and each space at a table game counted as one position, subject to the rules and regulations of the Louisiana Gaming control Board (the board). New law specifically requires the board to provide by rule for the counting of gaming positions for devices and games where seats are not readily countable.

Prior law provided that a riverboat must be paddlewheel driven. New law deletes prior law requirement and provides that a riverboat does not have to have an operable paddlewheel or be paddlewheel-driven.

New law adds a facility that is approved by the board and has a portion of its designated gaming area located within 1,200 feet of a riverboat's licensed berth to the definition of "riverboat". New law provides for the inspection of such facilities.

New law requires quarterly reporting of professional services and employment information to the board, the Senate Committee on Judiciary B, and the House Committee on the Administration of Criminal Justice. New law specifies what information is to be contained in the report.

New law provides that licensees may not conduct more than four tournaments per year in which the

gaming positions utilized for tournament play are not considered part of the licensee's total number of gaming positions. New law provides that such tournaments cannot be more than 14 days in length.

New law provides that a licensee may submit an application to the board to move its gaming operations to a facility located within 1,200 feet of the riverboat's licensed berth.

New law provides that such an application must include the licensee's relocation plan, detailed capital improvement and reinvestment plan, and any other information required by the board.

New law provides that the board shall prescribe the form and manner of submission for economic development relocation applications.

New law provides that the gaming operations of a licensee shall be conducted in accordance with the terms of the license, the requirements of this Title, and rules and regulations adopted by the board.

Effective upon signature of the governor (May 23, 2018).

(Amends R.S. 27:15, 65, and 66; adds R.S. 27:44(26), 46, and 67)

Whom Casinos May Eject (Act 451)

New law lists the following persons who may be excluded pursuant to present administrative rules promulgated by the board:

- (1) Persons suspected of cheating.
- (2) Persons whose gaming privileges, permits, or licenses have been suspended, revoked, or denied.
- (3) Persons who pose a threat to the safety of the patrons or employees of the casino operator or casino manager or any casino gaming licensee.

- (4) Persons with a documented history of conduct involving the disruption of the gaming operations in any jurisdiction.
- (5) Persons subject to an order of a Louisiana court excluding such persons from any gaming establishment.
- (6) Persons with pending charges for a gaming or gambling crime or a crime related to the integrity of gaming operations.

New law adds that a person may not be excluded from a gaming establishment for reasons based solely on the skill level of the person.

Old law provided that gaming operators, licensees, or permittees may exclude or eject any person for any reason, except on the basis of race, color, creed, national origin, sex, or disability.

New law removes the authority to exclude or eject persons for any reason and provides that gaming operators, licensees, or permittees may exclude or eject persons who engage in unlawful or disruptive conduct.

New law retains the present law provisions prohibiting the exclusion of persons based upon race, color, creed, national origin, sex, or disability.

(Amends R.S. 27:27.2(A) and 27.4(A))

Louisiana Fantasy Sports Contests Act (Act 322)

New law provides for a proposition election to be held on November 6, 2018, to determine whether fantasy sports contests shall be permitted in a particular parish. "Fantasy sports contest" means any fantasy or simulation sports game or contest played through the internet or mobile device with all of the following elements:

- (1) Participants create a simulation sports team based on the current membership of actual amateur or professional sports organizations.

- (2) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest, and the value of the prizes or awards is not determined by the number of participants or the amount of any fees paid by those participants.
- (3) All winning outcomes reflect the relative knowledge and skill of the participant and are predominantly determined by accumulated statistical results of the performance of the individuals, including athletes in the case of sporting events.
- (4) No winning outcome is based on either of the following:
 - (a) On the score, point-spread, or any performance or performances of any single real world team or any combination of such teams.
 - (b) Solely on any single performance of an individual athlete in any single real-world sporting or other event.

If a majority of the qualified electors in at least one parish in the state vote to approve the proposition to permit fantasy sports contests in such parish, law requires the La. Gaming Control Board to adopt all rules necessary to implement, administer, and regulate fantasy sports contests.

Upon adoption of rules by the La. Gaming Control Board and the enactment of laws to provide for the licensing, regulation, and taxation of revenue relative to fantasy sports contests, new law:

- (1) authorizes fantasy sports contests in only those parishes in which a majority of qualified electors in the parish voting on the proposition voted for the proposition to permit fantasy sports contests in the parish.
- (2) provides an exception to the present law crimes of gambling (R.S. 14:90) and

gambling by computer (R.S. 14:90.3) for fantasy sports contests.

(Amends R.S. 27:15(B)(1); Adds R.S. 14:90(D) and 90.3(J) and R.S. 27:301 - 305)

Non-Gaming Supplier Permits (Act 685)

Present law requires non-gaming suppliers who furnish goods or services in excess of \$200,000 per year to a gaming operator or slot machine or riverboat gaming licensee to obtain a non-gaming supplier permit issued by the Gaming Control Board.

New law removes the threshold amount of \$200,000 and requires the La. Gaming Control Board to establish a threshold amount of goods and services for which a non-gaming supplier permit is required.

(Amends R.S. 27:29.3(A)(1))

Video Draw Poker; Truck Stops (Act 491)

Prior law excluded video line up games, mechanical reel games, or any combination thereof from the definition of "video draw poker device".

New law deletes the exclusion of video line up games, mechanical reel games, or any combination thereof from the definition of "video draw poker device".

Prior law required that, for card games, each video draw poker device shall use a display with images of cards that closely resemble standard poker playing cards. New law provides that a video draw poker device may also use additional displays for entertainment purposes and otherwise retains present law.

Prior law provided that card games must utilize a deck of cards consisting of 52 cards and up to two jokers. New law clarifies prior law and provides that each hand of a card game must utilize a deck of cards consisting of 52 cards and up to two jokers.

Prior law provided that a qualified truck stop facility may be granted a license for the placement of up to 50 video draw poker devices in the facility based on the fuel sales of the qualified truck stop.

New law provides that after ten years of operation as a qualified truck stop facility, the facility may operate the same number of devices as the previous year, not to exceed 40 devices, if the facility meets a minimum fuel sales requirement of not less than 30,000 gallons per month.

Prior law required all qualified truck stop facilities to operate a fuel facility that offers fuel sales for vehicle consumption. New law retains prior law and authorizes the Gaming Control Board to adopt rules to recognize alternative fuel sources to satisfy the fuel sales requirement.

Effective August 1, 2018.

(Amends R.S. 27:402, 405 and 416)

Video Draw Poker (Act 428)

Present law, relative to video draw poker, provides for the licensing of service entities by the Gaming Control Board, and defines a "service entity" as any person other than a distributor or device owner who repairs, services, inspects, or examines video draw poker devices in the presence of a device owner or owner's employee.

New law amends the definition of "service entity" to remove the qualifying language that the repair, service, inspection, or examination of the device be conducted in the presence of the device owner or owner's employee.

(Amends R.S. 27:402(15))

TITLE 28: MENTAL HEALTH

Emergency Certificate Admission Procedures (Act 402)

Prior law provided for certain emergency certificate admission procedures for the parishes of East Baton Rouge, Jefferson, Orleans, and

Ouachita. New law retains prior law and makes it applicable to all parishes except St. Tammany.

Prior law authorized any physician, certain physician assistant and nurse practitioner, or psychologist to execute an emergency certificate only after an actual examination of a person alleged to have a mental illness or be suffering from a substance-related or addictive disorder and who is determined to be in immediate need of care and treatment in a treatment facility. New law authorizes conducting such examination by telemedicine utilizing video conferencing technology and provides the parameters for performing such examination.

New law requires physicians executing an emergency certificate to be licensed or permitted by the La. State Board of Medical Examiners.

Prior law provided a standard of care relating to the examination, admission, commitment and treatment of individuals suffering from mental illness and substance-related or addictive disorders and limitations of liability.

New law retains prior law but requires physicians providing such care to be licensed or permitted by the La. State Board of Medical Examiners.

Effective August 1, 2018.

(Amends R.S. 28:53, 63)

Seizure of Mentally Ill Persons (Act 352)

New law provides that a coroner or his staff may apply to the court for an order of protective custody (of a mentally ill or disordered person) that allows law enforcement to use forced entry to gain access into premises when executing an order of protective custody.

New law provides for accompanying documents for an order for protective custody and provides for both oral and telephonic orders of protections under exceptional circumstances.

New law provides for limitations of civil liability to an elected coroner and his support staff, and the executing law enforcement agencies and its

officers, for acts done in good faith while executing an order of protective custody. New law provides that such limitation does not apply in instances of gross negligence or willful and wanton misconduct.

New law provides that the limitation of civil liability does not extend to any action for the serious bodily injury or wrongful death occasioned as a result of the restraint or transportation of the person subject to the request and order for protective custody.

New law provides that the limitation of civil liability does not extend to injuries or damages sustained by a third party physically injured during the execution of a request and order for protective custody.

Effective upon signature of governor (May 10, 2018).

(Amends R.S. 28:53.2(G))

Involuntary Outpatient Treatment (Act 375)

Prior law provided for a person to be found in need of involuntary outpatient treatment necessitates a finding of being a danger to self or others. New law adds "gravely disabled" as a category for determining if a person is in need of involuntary outpatient treatment.

Prior law provided that only the director or administrator of a hospital in which a patient is hospitalized may petition the court to authorize involuntary outpatient treatment for that patient. New law adds the treating physician as being authorized to file the petition.

Prior law provided that only the director of an emergency receiving center may file a petition for involuntary outpatient treatment. New law expands that to include the administrator of the facility and the treating physician.

New law authorizes the La. Department of Health to file a petition to obtain an order authorizing involuntary outpatient treatment.

Prior law required that a petition for involuntary outpatient treatment shall be heard within five days of filing. New law allows a hearing no later than 18 days after filing.

New law expands the court's authority to order service of pleadings and to allow testimony of the patient by way of electronic means, if all parties agree.

Prior law provided requirements for the written treatment plan to be utilized in the case of involuntary outpatient treatment. New law specifies that the plan shall include a provider who has agreed to provide services.

Prior law required assertive community services to be included in such a plan. New law allows for discretion depending upon whether such services are readily available.

New law requires that a director or designee of a facility certify that the services ordered are available and can be readily accessed by the patient.

New law sets out criteria relative to treatment plans and the modification thereof.

Effective August 1, 2018.

(Amends R.S. 28:66, 68, 69, 70, 71, 72, 73, and 75; adds R.S. 28:76)

Louisiana Suicide Prevention Act (Act 450)

New law creates the zero suicide initiative to be administered by the office of behavioral health of the La. Department of Health (LDH).

New law provides that the zero suicide initiative shall be based upon the model set forth in the National Strategy for Suicide Prevention published in 2012 by the U.S. Surgeon General and further developed by the Suicide Prevention Resource Center.

New law stipulates that in administering the zero suicide initiative, the office of behavioral health shall ensure that the initiative incorporates, at minimum, various specified components as set

forth by the zero suicide model of the Suicide Prevention Resource Center.

New law requires the office of behavioral health to ensure that administrators of all healthcare facilities licensed by LDH and all healthcare professionals licensed by any La. board or commission have ready access to informational resources and technical assistance necessary for implementation of the zero suicide initiative.

New law requires the office of behavioral health to examine and coordinate the use of existing data to identify priority groups of patients, improve the quality of care for persons who are suicidal, and provide a basis for measuring progress in the ongoing operation of the zero suicide initiative.

New law requires the creation of the La. suicide prevention plan by the office of behavioral health.

New law provides that the office of behavioral health shall collaborate with criminal justice and health systems, including mental health and behavioral health systems, primary care providers, physical and mental health clinics in educational institutions, colleges and universities, community mental health centers, advocacy groups, emergency medical services professionals, public and private insurers, hospital chaplains, and faith-based organizations to develop and implement all of the following, which shall be included as elements within the state suicide prevention plan:

- (1) A plan to improve training on means by which to identify a person with trends, attributes, and indicators of suicidal thoughts and behavior across criminal justice and health systems.
- (2) A plan to improve training on the provisions of the federal Health Insurance Portability and Accountability Act and regulations issued pursuant thereto; and on other applicable federal and state laws and regulations concerning privacy of health information.

- (3) Professional development resources and training opportunities regarding indicators of suicidal thoughts and behavior, risk assessment, treatment, and management.

New law requires the office of behavioral health to publish the state suicide prevention plan on or before Dec. 31, 2020.

(Adds R.S. 28:801-813)

TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS

Airports and Disabled Veterans (Act 705)

Present law provides free parking for a disabled veteran, his conveyance, and his passengers at any air carrier airport if the veteran provides proof of his disability in the form of a military honor license plate or a disabled veteran identification card.

New law specifies that free parking at air carrier airports is authorized for any disabled veteran, his conveyance, and his passengers at any air carrier airport if the veteran provides proof of his service-connected disability in the form of a military honor license plate or a completed certificate from the La. Dept. of Veterans Affairs certifying that the disabled veteran has a service-connected disability, as determined by the U.S. Dept. of Veterans Affairs.

(Amends R.S. 29:27.1(A))

La. Military Advisory Council (Act 197)

New law modifies the membership of the council.

Present law generally provides duties and powers of council members. New law retains present law duties and powers but authorizes the council's discretionary action.

Old law required the council to establish the Military Sustainment Working Group with various duties. New law deletes old law.

(Amends R.S. 29:62, 65, and 67)

Contract Suspension or Termination Justified by Military Service (Act 647)

New law provides that a person called to service of the United States in the uniformed services may suspend or terminate certain contracts. The suspension or termination may be made by the person at any time after receiving military orders to relocate, for a period of service of at least 90 days, to a location that does not support the contracts.

New law provides the contracts that may be suspended or terminated are: Telecommunications services, excluding cellular phone and wireless service plan contracts; Internet services; Telephone services; Athletic club or gym memberships; Satellite radio services; Television services, including but not limited to cable television, direct satellite, and other television-like services; and Utility services.

New law provides that a contract may be suspended for a period not exceeding 30 days after discharge from active military service. The suspension shall be without imposition of any charge, and shall be effective on the day notice is given by the person to the service provider.

The notice shall include a copy of the person's military orders.

New law provides that to reactivate service, the person shall notify the service provider within 30 days of the date of his discharge from active military service. No fee shall be charged for reactivation.

New law provides that a contract may be terminated by notice requesting termination of the contract. A copy of the person's military orders shall be included in the notice. No termination or cancellation fee or penalty shall be imposed, and termination shall become effective on the day notice is made to the service provider.

New law shall supersede and control to the extent of conflict with any other provision of law. A contract provision in conflict with new law, or that attempts to waive the provisions of new law,

shall be void and unenforceable as contrary to public policy.

Effective August 1, 2018.

(Amends R.S. 29:402(C) and 422(A); adds R.S. 29:418.2)

Emergency Preparedness (Act 713)

New law requires the director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to coordinate public-private sector relationships to meet the needs of an emergency or disaster, and to coordinate the implementation of the Emergency Management Assistance Compact.

New law requires the Unified Command Group (UCG) to report annually on a comprehensive statewide communications interoperability plan to the governor and entities in the statewide plan.

New law creates a Statewide Cemetery Response Task Force and provides for its membership, powers, and duties. New law provides that the task force, may not supplant the authority of an individual cemetery authority that seeks to manage its own disaster response and communicates that desire in writing to the task force.

Present law provides for the declaration of a state of emergency by a parish president, and provides that it may be terminated by executive order or proclamation, for a period of time not to exceed 30 days, unless extended by the parish president. New law removes the 30-day limitation.

New law provides that GOHSEP, each parish homeland security and emergency preparedness agency, the state, political subdivisions of the state, and other agencies engaged in homeland security, emergency preparedness, response and recovery activities shall be immune from claims based on the exercise or performance of, of the failure to exercise or perform, certain homeland security and emergency preparedness activities.

(Amends R.S. 29:725, 725.4, 725.5, 725.6, 726, 727, and 735; Adds R.S. 9:2793.10 and R.S. 29:726.4)

TITLE 30: MINERALS, OIL, GAS AND ENVIRONMENTAL QUALITY

Offsite Treatment, Storage and Disposal Facilities (Act 191)

Present law authorizes the commissioner of conservation to regulate the hours of operation of offsite treatment, storage, and disposal facilities for exploration and production waste.

New law prohibits such regulation of hours of operation or receiving.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 30:4(C)(16)(c))

Permit Applications (Act 106)

Present law authorizes the commissioner of conservation to develop and implement a program to expedite the processing of permits, modifications, licenses, registrations, and variances. New law adds the review of plans, proposals, and exceptions of related correspondence.

New law changes the fee on expedited reviews and requires a minimum fee of \$500 for administrative costs.

Old law provided the rules require a public notice be given when an expedited permit is requested. New law provides the rules require the applicant to provide public notice when an expedited permit review is granted.

(Amends R.S. 30:4(Q))

Agreement to Withdraw Running Surface Water (Act 500)

Present law requires that a cooperative endeavor agreement to withdraw running surface water will have an initial term not to exceed two years, and

that no new cooperative endeavor agreement can be entered into for which an application was received by the Dept. of Natural Resources after Dec. 31, 2018.

New law retains present law, but extends the date for which an application can be received from Dec. 31, 2018, to Dec. 31, 2020.

Present law authorizes renewal of agreements in two-year increments, but specifies that such agreements can terminate no later than Dec. 31, 2020.

New law retains present law, but extends the final termination date from Dec. 31, 2020, to Dec. 31, 2028.

(Amends R.S. 30:961(E))

Waste Tire Fees (Act 541)

New law increases the fees per passenger/light truck/small farm service tire from \$2 to \$2.25 beginning Oct. 1, 2018, through July 31, 2022. New law provides that beginning Aug. 1, 2022, the fee per passenger/light truck/small farm service tire will be \$2.

(Amends R.S. 30:2418(I)(1))

Gross Littering (Act 499)

Present law prohibits and defines gross littering as the intentional disposal of large items of litter, such as furniture, appliances, auto parts, tires, equipment, building materials, roofing nails, or bags or boxes of household or office garbage, on public or private property or on waters of the state.

Present law provides for fines and community service for a first or second conviction.

New law adds the option of imprisonment for not more than 30 days upon a first or second conviction of gross littering.

(Amends R.S. 30:2531.1(D)(1) and (2))

Oilfield Site Restoration (Act 105)

Present law establishes the Oilfield Site Restoration Fund (Fund) used for oilfield site restoration or assessment conducted by the Dept. of Natural Resources for administration of the oilfield site restoration program.

New law includes funds collected from financial security instruments previously tied to a specific well or wells that have since been plugged or are otherwise not tied to a specific well or wells under the general administration and management authority of the commission.

New law adds as a source to the Fund any sums collected from financial security instruments required by rules and regulations. New law prohibits the use of monies collected from financial security instruments tied to a specific well or wells for any oilfield sites other than those for which the financial security was provided.

Present law caps the Fund at \$14,000,000, but excludes from the calculation of that cap site-specific trust accounts and sums generated from bonds. New law adds financial security instruments not tied to a specific well or wells to the list of funds not used to calculate the cap of the Fund.

Old law required \$1,000,000 or 20% of the amount appropriated to the fund, whichever is less, be used to plug orphaned wells drilled less than 3000 ft. in the Shreveport and Monroe office of conservation districts for three fiscal years beginning FY 2016-2017 and through the end of FY 2018-2019. New law extends the use of these funds from FY 2018-2019 to FY 2021-2022.

(Amends R.S. 30:83 and 86)

Oil and Gas Production Fees (Act 84)

Present law imposes a set fee on the production of oil, condensate, and gas that is in addition to any severance taxes imposed on such production.

New law provides that the fee is payable upon the initial disposition of each barrel of oil and condensate.

New law is remedial and curative and will be applied retroactively to July 1, 2017, as well as prospectively.

New law requires that to prevent double payment, amended oilfield site restoration fee returns, along with a reconciliation report and any fee due, be submitted to the Dept. of Revenue for those returns filed between July 1, 2017, through June 30, 2018.

Effective July 1, 2018.

(Amends R.S. 30:87(A))

Pipeline Safety Violations (Act 57)

Present law authorizes the commissioner of conservation to levy certain penalties for violations of the pipeline safety provisions of law. Present law requires a notice of the violation and an opportunity for a hearing. Present law authorizes the imposition of a penalty not to exceed \$10,000 per day for each violation with a maximum penalty not to exceed \$500,000 for any related series of violations.

Proposed law increases the maximums to \$200,000 per day of violation and a maximum of \$2 million for any related series of violations.

(Amends R.S. 30:544(A)(1))

Gas Storage Facilities (Act 60)

New law authorizes the commissioner of conservation to certify to the U.S. Dept. of Transportation his regulatory authority over intrastate underground gas storage facilities that are not regulated by the Federal Energy Regulatory Commission and the natural gas stored at those facilities.

New law authorizes the commissioner to enter into an agency relationship with the U.S. Dept. of Transportation to enforce compliance with safety standards for interstate gas storage facilities and the transportation of gas associated with those facilities.

(Adds R.S. 30:551(E))

Motor Fuels Underground Storage Tank Trust Fund (Act 150)

Prior law provided for revenue for the fund, and one source of revenue is a fee of \$72 for every withdrawal of 9,000 gallons from bulk fuel.

New law allows the secretary, after consideration of the recommendation from the Motor Fuels Underground Storage Tank Trust Fund Advisory Board, to change the amount of the fee on an annual basis, but caps the fee at a maximum of \$72 per every withdrawal of 9,000 gallons from bulk fuel.

New law requires the Board to determine the minimal level of funding, by conducting an annual review of receipts and disbursements from the fund along with the projected amounts expected to be expended in the next fiscal year. New law requires the Board to meet at the end of each fiscal year to determine its recommendation on the setting of the fee for the next fiscal year.

New law makes technical changes.

New law requires the Board to review any proposed underground storage tank regulations prior to the adoption of such regulations.

Prior law provided a waiver for the fees on the first day of the second month if it is determined the fund has a balance that equals or exceeds \$40 million, and required the fee to be reinstated on the first day of the second month if the balance in the fund falls below \$10 million. New law repeals prior law.

Effective August 1, 2018.

(Amends R.S. 30:2195.3 and 2195.8)

Litter Education and Reduction (Act 509)

Present law divides responsibilities for litter education and litter reduction between the Dept. of Environmental Quality and the Dept. of Wildlife and Fisheries.

New law provides that the powers, duties, functions, and responsibilities for litter education

and litter reduction programs will reside with the Dept. of Wildlife and Fisheries.

(Amends R.S. 30:2501 through 2521, R.S. 30:2531, and R.S. 56:10; Repeals R.S. 30:2521 through 2530, 2537 through 2543, and 2546(D) and R.S. 36:239(B)(6))

TITLE 31: MINERAL CODE

TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION

Military Surplus Motor Vehicles (Act 675)

New law defines "military surplus motor vehicle" as a wheeled, multipurpose or tactical vehicle manufactured for, and sold directly to, the U.S. Armed Forces in conformity with contractual specifications and subsequently authorized for sale to civilians, and does not include mobile construction equipment, trailers, or semitrailers.

New law requires that a military surplus motor vehicle operated on the highways of the state be equipped with head lamps, front and rear turn signal lamps, tail lamps, stop lamps, an exterior mirror mounted on the driver's side of the vehicle, an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror, a parking brake, a windshield wiper, a speedometer, an odometer, braking for each wheel, a seat belt assembly installed at each designated seating position, tire equipment as required by R.S. 32:362, and a vehicle identification or serial number.

New law requires the operator of a military surplus motor vehicle to be at least 21 years old and to possess a valid driver's license.

New law requires a military surplus motor vehicle operated on a highway to have liability insurance with the same minimum limits as required by the provisions of R.S. 32:900(B).

New law requires safety belts for each person traveling in a military surplus motor vehicle.

New law authorizes the DOTD or a parish or municipal government to prohibit the operation of any military surplus motor vehicle upon any parish or municipal road or highway under its jurisdiction, if it determines that such prohibition is necessary for the safety of the motoring public.

New law provides that the owner of a military surplus motor vehicle shall submit certification that the vehicle is capable of being safely operated on the highways of this state.

New law creates a special motor vehicle license plate for military surplus motor vehicles.

New law provides for issuance of the military surplus motor vehicle license plate to a resident of Louisiana in the same manner as any other motor vehicle license plate.

New law provides for collection of the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana based upon the make and model of the military surplus motor vehicle.

New law requires the Dept. of Public Safety and Corrections (DPS&C) to suspend the registration of any vehicle registered as a military surplus motor vehicle that the department determines is not properly equipped or is otherwise unsafe to operate.

Effective August 1, 2018.

(Adds R.S. 32:1(35.1) and 299.5 and R.S. 47:451(20.1) and 471)

Hold on Renewal in Lieu of Suspension of License (Act 714)

Present law requires that the magistrate or judge of the court exercising jurisdiction immediately forward to the Dept. of Public Safety and Corrections notice of failure to appear, with information necessary for identification of the arrested person, which automatically results in the suspension of an operator's license.

New law authorizes the magistrate or judge, at his discretion, to determine whether to suspend or

place a hold on the renewal of the operator's license of the arrested person, and requires the notice to include an indication of whether a suspension or hold on renewal should be placed on the operator's license.

Present law requires that the department immediately notify the arrested person of the suspension of his operator's license and the imposition of a \$50 fee, regardless of the disposition of the original charge.

New law requires the department to immediately notify the arrested person of the suspension or hold on renewal of his operator's license, and specifies that the \$50 fee does not apply when a magistrate or judge authorizes that a hold on renewal be placed on the operator's license.

Present law requires that the prosecuting authority immediately notify the department when the arrested person makes an appearance or pays an appropriate fee, and requires the arrested person pay an additional \$50 to the department for the renewal or reissuance of his operator's license.

New law adds that the additional \$50 fee for the renewal or reissuance of an operator's license does not apply when a hold on the renewal was placed on the operator's license.

(Amends R.S. 32:57.1)

Driving During a Flood (Act 403)

New law requires any person operating a motor vehicle on the public roads of this state during flood conditions to drive in a careful and prudent manner, so as not to create a wake that endangers the life, limb, or property of any person. Failure to drive in such a manner shall constitute careless operation during flood conditions.

New law provides a rebuttable presumption that certain persons were operating a motor vehicle in a careful and prudent manner during flood conditions.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 32:58.1)

Platoons (Act 310)

Present law prohibits the driver of a motor vehicle from following another vehicle more closely than is reasonable and prudent and prohibits the driver of a motor truck from following another motor truck within 400 feet when traveling upon a highway outside a business or residential district.

Present law requires that motor vehicles being driven upon any roadway outside of a business or residential district in a caravan or motorcade be operated as to allow sufficient space between each vehicle or combination of vehicles as to enable any other vehicle to enter and occupy such space without danger.

New law defines "platoon" or "platooning" as a group of individual motor vehicles utilizing vehicle-to vehicle communication technology to travel in a unified manner at close following distances.

New law authorizes the operation of a platoon if the platoon operator has an operational plan approved by the Dept. of Public Safety and Corrections, office of state police, and the Dept. of Transportation and Development.

New law prohibits the operation of a platoon on a two-lane highway.

Effective Jan. 1, 2019.

(Amends R.S. 32:81; Adds R.S. 32:1(95))

Blue Lights (Act 247)

Prior law authorized the use of blue-colored electric lights on all publicly owned fire department vehicles and publicly owned ambulances.

New law changes prior law to authorize use of blue-colored electric lights on all licensed ambulances.

Effective August 1, 2018.

(Amends R.S. 32:318(H))

Farm Vehicles on Public Highways (Act 223)

Prior law authorized farm vehicles and vehicles transporting cutting or logging equipment to use any public highway, except an interstate highway, during the period from 30 minutes after sunrise until 30 minutes before sunset without obtaining a special permit, provided such machinery and equipment are equipped with front and rear reflector lights and with a blinking hazard light clearly visible from the front and rear.

New law authorizes farm vehicles and vehicles transporting cutting or logging equipment to use any public highway, except an Interstate highway, from sunrise until sunset.

Effective August 1, 2018.

(Amends R.S. 32:385(A)(3))

Escort Services and Vehicles (Act 289)

Old law required each company that operates an escort service in this state and is domiciled in this state register annually with the secretary. New law removes the domicile limitation and instead makes present law applicable to all escort services operating in La.

Present law requires that each application for registration of an escort vehicle be accompanied by proof that each vehicle operated in this state by the applicant is insured in the same amount as is required for escort companies which are domiciled in this state.

New law removes present law and instead requires proof of general liability insurance, motor vehicle liability insurance, and workers compensation coverage, each providing for a minimum of \$500,000 in liability coverage.

(Amends R.S. 32:387.1(B)(1) and (2)(b))

Ready-Mixed Concrete Trucks (Act 441)

Present law authorizes ready-mixed concrete trucks to exceed the maximum permissible gross weight, without penalty, provided the total excess weight is 10% or less of the truck's maximum permissible gross weight, the truck contains a certificate evidencing its most recent mixer chip-out of build-up occurred within the previous 90 days, the truck does not exceed the posted load while crossing a posted bridge, the truck is not operating on the interstate system, and no tire on the truck exceeds its tire weight rating. Old law was effective from Aug. 1, 2012 through July 31, 2018.

New law extends the termination date in old law for two years from July 31, 2018 to July 31, 2020.

(Amends R.S. 32:388(B)(1)(b)(iv))

Ready-Mixed Concrete Trucks (Act 312)

New law requires the secretary to issue annual special permits authorizing the operation of ready-mixed concrete trucks on state-maintained highways and frontage roads adjacent to federal interstate highways.

New law provides that the permit would authorize the operation of a ready-mixed concrete truck with a gross vehicle weight not to exceed 69,000 pounds if a rear tandem-axle mixer truck, a gross vehicle weight not to exceed 83,000 pounds if a rear tri-axle mixer truck, and a gross vehicle weight not to exceed 84,000 pounds if a rear quad-axle mixer truck.

New law requires the permit to be specific to the vehicle that is listed in the permit application.

New law requires a fee for the permit to be collected annually per vehicle in the following amounts: \$800 for a rear tandem-axle ready-mixed concrete truck, \$400 for a rear tri-axle ready-mixed concrete truck, and \$400 for a rear quad-axle ready-mixed concrete truck.

New law specifies that the permit is valid for one year and requires the permit be carried in the vehicle for which it is issued.

New law requires the Dept. of Transportation and Development to issue a sticker for placement in the front windshield of the vehicle above the inspection certificate issued to the vehicle. New law specifies that the sticker must indicate the expiration date of the permit and be removed from the vehicle when the permit expires, the lease of the vehicle expires, or the vehicle is sold.

New law provides that if the permitted gross vehicle weight is not exceeded then there would be no fines imposed for over axle weight.

New law clarifies that "ready-mixed concrete truck" means a vehicle designed exclusively to transport or manufacture ready-mixed concrete.

New law authorized trucks hauling ready-mixed concrete to exceed the maximum permissible gross weight, without a penalty, provided the total excess weight is 10% or less of the truck's maximum permissible gross weight, the truck contains a certificate evidencing its most recent mixer chip-out of build-up occurred within the previous 90 days, the truck does not exceed the posted load while crossing a posted bridge, the truck is not operating on the interstate system, and no tire on the truck exceeds its tire weight rating. Old law was effective from Aug. 1, 2012, through July 31, 2018.

New law retains provides that the time period provided in old law would not apply to ready-mixed concrete trucks that have been issued a permit pursuant to new law.

(Amends R.S. 32:388(B)(1)(b)(iv); Adds R.S. 32:387.20)

Crash Report Fees (Act 543)

Present law requires state police, any local police department, or any sheriff's office to provide copies of crash reports upon request to any interested person and authorizes a fee of \$5.00 per report that does not exceed two pages, and \$7.50 per report that exceeds two pages.

New law modifies present law by increasing the fee for reports that exceed two pages from \$7.50 to an amount not to exceed \$20. This increased

amount is inclusive of all service fees and other charges.

(Amends R.S. 32:398(F))

Warning Citations for Motor Vehicle Violations (Act 192)

Old law prohibited the issuance of warning citations for violations of motor vehicle laws and specifically authorized a peace officer to issue a violation ticket which compels or instructs the motorist to comply with present law. New law repeals old law.

(Repeals R.S. 32:398.1(C))

Digitized Driver's Licenses and Special ID Cards (Act 552)

Old law defined "license" or "driver's license" as any license secured from the Dept. of Public Safety and Corrections to operate a motor vehicle on the highways of this state. New law modifies the definition of "license" and "driver's license" to include a license that complies with the standards of REAL ID.

Old law required a licensee to have his license, or a digitized driver's license, in his immediate possession at all times when driving a motor vehicle. New law clarifies that the licensee must have his physical license or digitized driver's license in his immediate possession at all times when driving a motor vehicle.

Old law defined "digitized drivers license" as a data file available on any mobile device which has connectivity to the internet through an application that allows the mobile device to download the data file from the department or an authorized representative of the department, contains all of the data elements visible on the face and back of the license, and also displays the current status of the license. New law clarifies that the term "digitized driver's license" includes a license that complies with the standards of REAL ID.

Present law authorizes the use of a special identification card as valid identification of a

person to whom it was issued when presented for the purpose of furnishing proof of identification. New law adds that the special identification card must be accepted as valid identification of a person to whom it was issued when it is presented physically or in the form of a digitized special identification card.

New law defines a "digitized special identification card" as a data file available on any mobile device which has connectivity to the internet through an application that allows the mobile device to download the data file from the department or an authorized representative of the department, contains all of the data elements visible on the face and back of the license and includes any special identification card that complies with the standards of REAL ID.

New law specifies that a digital copy, photograph, or image of a special identification card that is not downloaded through the application on a mobile device will not be considered a valid digitized special identification card.

New law authorizes a law enforcement officer, a representative of a state or federal department or agency, or a private entity to require a person to produce a physical special identification card in connection with requests for identification not associated with traffic stops or checkpoints.

New law requires the Dept. of Public Safety and Corrections to promulgate rules as are necessary to implement a digitized special identification card and specifies that no digitized special identification card will be valid until such rules are adopted.

New law specifies that display of a digitized special identification card does not serve as consent or authorization for a law enforcement officer, or any other person, to search, view, or access any data or application on the mobile device and requires that a law enforcement officer promptly return the mobile device to the person once he has had an opportunity to verify the identity of the person.

New law provides that the fee to install the application to display a digitized special identification card cannot exceed \$6.

(Amends R.S. 32:401, 411, and R.S. 40:1321)

Commercial Driver's License (Act 686)

Present law allows an applicant regularly employed within the last 90 days in a military position requiring operation of a commercial motor vehicle to waive the skills test required to obtain a commercial driver's license.

New law increases the time period an applicant must be regularly employed in a military position requiring operation of a commercial motor vehicle to waive the skills test required to obtain a commercial driver's license from 90 days to 12 months.

(Amends R.S. 32:408(A)(5)(b)(i))

La. Military Family Assistance Fund (Act 554)

New law allows an applicant to donate one dollar in addition to the driver's license fees provided for in present law to the La. Military Family Assistance Fund.

(Adds R.S. 32:412(A)(8))

Ex-Con Driver's Licenses (Act 280)

Present law requires the Dept of Public Safety and Corrections, office of motor vehicles, to issue a provisional class "E" driver's license to a person who is released from incarceration after serving a minimum of one year and whose class "E" driver's license will be or is suspended, revoked, or cancelled for any reason upon his release.

New law specifies that a "person who is released from incarceration" includes, but is not limited to, an individual who is housed in a federal residential reentry management center, also known as a halfway house.

(Adds R.S. 32:415.3(A)(5))

Chemical Analysis Testing (Act 506)

Old law provided a list of accreditation bodies which the Dept. of Public Safety and Corrections (department) may use to issue permits for the purposes of chemical analysis testing.

New law removes the list of accreditation bodies and instead allows the department to use an individual or laboratory with an accreditation based upon the international standard, ISO/IEC 17025, for the purposes of chemical analysis testing.

(Amends R.S. 32:663(B))

DWI Hearings (Act 291)

Present law grants 30 days from the date of arrest for a violation of operating a vehicle while intoxicated for a person to make written request to the Dept. of Public Safety and Corrections for an administrative hearing.

New law provides an extension of this 30-day period for any person unable to make a timely request for an administrative hearing due to incarceration, hospitalization, or other acceptable cause to the department. New law requires that the person requesting an administrative hearing submit documentation to the department that establishes the person's inability to timely request the administrative hearing.

New law requires any request for an administrative hearing pursuant to new law to be submitted no later than 90 days from the date of arrest.

(Amends R.S. 32:667)

Applications for Certificate of Title (Act 442)

New law requires any bona fide fleet purchaser of motor vehicles with over 8,000 vehicles in inventory to complete the initial application for certificate of title electronically without the submission of a physical manufacturer's certificate.

New law requires the purchaser to create an electronic copy of the manufacturer's certificate and remit the original notarized manufacturer's certificate to the department within 60 days.

New law requires the purchaser to store the electronic manufacturer's certificate on their database for a period of 24 months.

New law grants the commissioner the authority to request a copy of the electronic manufacturer's certificate for audit purposes any time during the first 24 months following completion of the initial application for certificate of title.

(Adds R.S. 32:707(D)(4))

Auto Hulks (Act 638)

Present law requires an owner who sells a motor vehicle as scrap to be dismantled or destroyed to assign a certificate of title to the purchaser, regardless of whether the certificate was issued by the vehicle commissioner of this state or any other state.

New law makes technical changes and specifies that a "motor vehicle" or "vehicle" is defined according to present law.

Present law requires every secondary metal processor or licensed automotive dismantler and parts recycler (hereinafter "processor or recycler") to submit an electronic report to the office of motor vehicles of an auto hulk's vehicle identification number (hereinafter "VIN") within 72 hours of the purchase of an auto hulk.

New law specifies that reporting be made to the office of motor vehicles' auto hulk database located at www.expresslane.org.

New law removes the requirement for a processor or recycler to submit the report within 72 hours of the purchase of an auto hulk; instead, new law requires the processor or recycler to report the VIN prior to the dismantling, crushing, or other destruction of the auto hulk.

New law requires the office of motor vehicles to send a return message to the processor or recycler

indicating successful entry into the system. If the office's return message indicates the auto hulk has been reported as stolen, the processor or recycler is prohibited from dismantling or destroying the auto hulk, and must notify local law enforcement of the auto hulk's location.

(Amends R.S. 32:717 and 718)

La. Used Motor Vehicle Commission (Act 435)

New law adds, as a purpose of the commission, to develop and advance the independent used motor vehicle industry, promote and stimulate its businesses, and encourage fair business practices for fair competition.

New law provides for the commission's sole and exclusive authority to administer claims made against bonds, including instituting or intervening in legal actions to obtain payments, or to prevent payment of an unauthorized claim. New law provides the commission's entitlement to an award of reasonable attorney fees and court costs if the commission institutes or intervenes in legal action for claims against bonds.

New law prohibits unlicensed persons from carrying on the business of a motor vehicle crusher.

New law provides that provisions of law administered by the La. Motor Vehicle Commission are not applicable to violations of law relative to the La. Used Motor Vehicle Commission.

Old law required documentation within an application for licensure that a dealership general manager, office manager, title clerk, or other responsible representative of the dealership attended a four-hour educational seminar or registered to attend such seminar within 60 days after issuance of the license. Old law provided other provisions relative to the educational seminar and requirements of the commission. New law deletes old law.

Present law requires an applicant applying for licensure as a used motor vehicle dealer to provide certain information prescribed by the

commission with respect to certain persons' attendance at educational seminars.

New law adds language to require an applicant for licensure to include a certificate showing the applicant has completed an approved educational seminar.

Present law authorizes the commission to revoke or suspend a license, and issue certain fines or penalties to licensees, for violations of present law or any rule or regulation adopted by the commission, or any provision of law relating to the "proper disposition of certificates of title or permits to dismantle in connection with the purchase or sale of any used motor vehicle".

New law deletes the quoted old law language and adds that penalties may be assessed for violations of law concerning a used motor vehicle transaction between a used motor vehicle dealer and consumer.

New law adds the commission's authority to revoke or suspend a license and issue other certain penalties for selling or offering to sell any used motor vehicle, when the dealer or salesperson fails to disclose in writing that the vehicle has certain defective or missing airbag components.

New law adds the commission's authority to revoke or suspend a license and issue other certain penalties for selling a used motor vehicle "as is" or selling a used motor vehicle with a waiver of warranties without completing a buyers guide as required by the Federal Trade Commission.

New law provides for education seminars and seminar applications. New law authorizes the commission to:

- (1) Require both initial applicants and licensees seeking license renewal to attend educational seminars.
- (2) Adopt any rule for establishing educational seminar curriculum, requiring certain materials to be used, employing any person, or incurring any

expense necessary to administer the seminars.

- (3) Require seminar attendees' completion of a test comprised of 10 questions approved by the commission and attainment of a minimum score of 75% to receive credit for satisfactory completion of the seminar.
- (4) Provide for an initial license application seminar no longer than six hours in length and a renewal application seminar no longer than four hours in length.
- (5) Approve and create a uniform certificate to be issued upon satisfactory completion of an educational seminar.

New law requires each initial license application to be accompanied by a certificate issued by the commission documenting that a minimum of one owner, partner, officer, or local dealership manager of the dealer applicant has completed an educational seminar.

New law requires each initial license application seminar to include any other information the commission deems necessary to educate attendees and their employees regarding compliance with the law.

New law requires each licensee seeking to renew his license to certify that the owner, partner, officer, or local dealership manager has completed an educational seminar prior to filing the renewal application with the commission. New law requires any renewal application and seminar certification to be completed during the license period.

New law authorizes the commission to approve any educational institution, private vocational school, correspondence school, or trade association that meets the commission's requirements to conduct educational seminars. New law requires any such school to be reapproved by the commission every two years. New law requires any such school administering an educational seminar to issue the uniform certificate of completion approved by the

commission upon an attendee's satisfactory completion of the seminar.

New law provides that an attendee's failure to satisfactorily complete an educational seminar as required is a violation of law.

New law provides that the educational requirements do not apply to a licensee who does not sell or rent used motor vehicles to consumers.

Old law authorized the commission to require all dealer sales to have a condition of sale, such as a warranty disclaimer, implied or written warranty, or a service contract, provided for used motor vehicle "as-is" sales and a waiver of all warranties, and required certain notice to be provided for claims against such sales. New law repeals old law.

Old law provided that a motor vehicle dealer not licensed in accordance with law is subject to regulation of the commission, if such motor vehicle dealer daily rents motor vehicles that are not current year or immediate prior year models. New law repeals old law.

Old law requires documentation within its application for licensure that a dealership general manager, office manager, title clerk, or other responsible representative of the dealership attended a four-hour educational seminar or registered to attend such seminar within 60 days after issuance of the license. New law repeals old law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 32:781, 782, 784, 791, 792, and 801; Adds R.S. 32:783(F)(10), 784(A)(7) and (8), and 795; Repeals R.S. 32:783(F)(3) and 784(B))

Salvage Motor Vehicles (Act 533)

Prior law required the owner, manager, or person in charge of a salvage pool or salvage disposal sale to keep a register of all sales of motor vehicles for three years from the date of sale, showing certain information pertaining to each motor vehicle in the register. New law adds

employee to those authorized to be record keepers.

New law requires that the register be available within a reasonable period of time when requested by the Louisiana Used Motor Vehicle Commission.

Effective August 1, 2018.

(Amends R.S. 32:808(A)(1))

Vehicle Liability Insurance (Act 567)

Prior law required the owners of motor vehicles registered in other states or jurisdictions that require liability security to maintain the security and proof as required by their respective state or jurisdiction while the vehicle is operated in this state.

New law adds that a personal injury protection card issued from an insurer in another state or jurisdiction without a bodily injury endorsement shall not be sufficient proof of liability security.

Present law applicable to vehicles registered in any state requires the commissioner of insurance to suspend the license and all registrations of an operator and owner of a motor vehicle involved in an accident resulting in bodily injury or death under certain circumstances.

Present law provides exceptions to the required suspension, including that the suspension shall not apply if the owner had, at the time of the accident, a liability policy in effect for the motor vehicle involved. Prior law required certain policy limits for the exception to apply.

New law increases the limits for out-of-state drivers to reflect the limits applicable to Louisiana drivers.

New law provides that a personal injury protection card issued from an insurer in another state or jurisdiction shall not be acceptable as proof of liability policy limits.

Effective August 1, 2018.

(Amends R.S. 32:861(E)(1) and 872(D))

Towable Equipment; Bid Procedure (Act 487)

Prior law required persons who distribute and manufacture or sell certain types of motor vehicles and recreational products to be licensed by the Motor Vehicle Commission prior to engaging in business in the state of Louisiana.

New law exempts distributors and manufacturers of towable equipment from licensing requirements and rules and regulations of the Motor Vehicle Commission.

New law defines "towable equipment" to mean equipment that is permanently affixed to or integrated upon a trailer intended for use when the trailer is not traveling on a road and where its capability for road travel or transport of other property is incidental or secondary to the primary operational purpose of the equipment.

"Towable equipment" includes, but is not limited to towable signage, message boards, generators, lighting tower masts, speed monitoring and traffic cameras, air compressors, water pumps, crash attenuators, or road maintenance equipment such as a pothole patcher or a chipper brush. "Towable equipment" does not include portable facilities primarily intended for human or animal occupancy, hygiene, or similar accommodations, including but not limited to portable toilets, livestock trailers, and enclosed facilities for food service preparation and distribution.

Prior law provided that a public entity require that any bid submitted by, or a contract or cooperative endeavor agreement with, a dealer for the purchase of vehicles to include a copy of a valid dealer's license issued under the provisions of R.S. 32:1254. Prior law required a public entity to reject any bid submitted by a dealer for the purchase of vehicles which does not include a copy of a valid dealer's license.

New law authorizes a public entity to accept a bid for the sale of vehicles submitted by a vehicle dealer who is licensed on the bid opening date, even when a copy of the valid dealer's license is not enclosed with the original bid submission,

provided that a copy of the dealer's valid license is received by the public entity not later than ten business days following the bid opening date.

Effective August 1, 2018.

(Amends R.S. 32:1252 and R.S. 39:2182; adds R.S. 32:1254(P))

Marine Products (Act 231)

Prior law defined "marine product" as a new or used watercraft, boat, marine motor, and a boat or watercraft trailer, excluding a new or used watercraft or boat adapted to be powered only by the occupant's energy.

New law also excludes a watercraft designed for use primarily for commercial or governmental purposes.

Effective August 1, 2018.

(Amends R.S. 32:1252(27))

Motor Vehicle Dealers and Recreational Product Dealers (Act 142)

Prior law required that an applicant for a motor vehicle or recreational product dealer applicant furnish satisfactory evidence that it maintains adequate space in the building or structure wherein the applicant's established business is conducted for the display of new motor vehicles or recreational products, together with adequate facilities for the repair and servicing of motor vehicles or recreational products and the storage of new parts and accessories for the repair and servicing.

New law requires that, subject to the written approval by the franchisor, adequate facilities for the repair and servicing of motor vehicles may be physically located in a building directly across a dedicated municipal street, but not more than 1,000 feet, from the applicant's established place of business.

New law requires a manufacturer to compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform

recall repairs and that the compensation for recall repairs be reasonable.

New law provides that if parts or a remedy are not reasonably available to perform a recall service or repair on an affected used vehicle held for sale by a dealer authorized to sell and service new vehicles of the same line-make, or authorized to perform recall work on an affected vehicle, within 45 days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a stop sale order or do not drive order on the vehicle, then the manufacturer shall compensate the dealer at a prorated rate of at least 1.25% per month of the value of the vehicle.

New law provides that when a stop sale order or do not drive order has been issued and repair parts or remedy remain unavailable on an affected used vehicle, that compensation shall begin 45 days after either of the following occurrences:

- (1) The date on which the stop sale order or do not drive order was provided to the dealer, if the affected used vehicle is in the dealer's inventory at the time the stop sale or do not drive order was issued to the dealer.
- (2) The date on which the dealer takes the affected used vehicle into the dealer's inventory as a trade-in incident to the customer's purchase of a new vehicle.

New law requires that compensation ceases when one of the following events occurs:

- (1) The date the recall remedy or parts are made available.
- (2) The date the dealer disposes of the affected used vehicle.

For purposes of new law, the value of a used vehicle is the average trade-in value for used vehicles, as indicated in an independent third-party guide for the year, make, and model of the recalled vehicle.

For purposes of auditing dealer records for warranty and compensation, it is a violation of

new law for a manufacturer to reduce the amount of compensation otherwise owed to an individual new motor vehicle dealer solely because the new motor vehicle dealer has submitted a claim for reimbursement under new law. This prohibition includes reduction through a chargeback, surcharge, removal of the individual dealer from an incentive program, or reduction in amount owed under an incentive program.

New law does not apply to an action by a manufacturer to any prospective change, modification, cancellation, or elimination of any incentive program that is applied uniformly among all dealers of the same line-make in the state.

New law requires that all reimbursement claims made by new motor vehicle dealers for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a stop sale order or do not drive order, are subject to the same limitations and requirements as a warranty reimbursement claim made under current law.

New law provides a manufacturer may compensate its franchised dealers under a national recall compensation program provided the compensation under the program is equal to or greater than the compensation provided in new law or as otherwise agreed between the manufacturer and dealer.

New law authorizes a manufacturer to direct the manner and method in which a dealer shall demonstrate the inventory status of an affected used motor vehicle to determine eligibility under new law, provided the manner and method may not be unduly burdensome and may not require information that is unduly burdensome to provide.

New law shall not require a manufacturer to provide total compensation to a dealer that would exceed the total average trade-in value of an affected used motor vehicle as originally determined under new law.

Remedies to a dealer under new law are exclusive and shall not be combined with any other state or

federal recall compensation remedy or other federal law.

Effective August 1, 2018.

(Amends R.S. 32:1254(E)(5); adds R.S. 32:1264.2)

TITLE 33: MUNICIPALITIES AND PARISHES

LaSalle Economic Development District (Act 50)

New law changes the membership of the LaSalle Economic Development District, the means of their selection, their qualifications, and the manner of filling vacancies.

(Amends R.S. 33:130.202)

Iberia Economic Development Authority (Act 333)

Present law additionally authorizes the authority to sell immovable property after legal notice. New law removes the requirement that legal notice be given.

(Amends R.S. 33:130.765(A)(11))

Certain Municipal Elections (Act 395)

New law changes the election date for municipal elections in a municipality with a population of between 1,200 and 2,000 persons that is within a parish with a population between 118,000 and 125,000 persons to the gubernatorial election date. New law provides that officers elected take office on the first day of July following their election and hold office for four years.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:383(A)(1); Adds R.S. 33:383(A)(3))

Gueydan Chief of Police (Act 26)

New law permits a person residing outside the corporate limits of the town of Gueydan, but in Ward 8 of Vermilion Parish (rather than Ward 3), to be elected chief of police of the town.

Effective upon signature of the governor (May 10, 2018).

(Amends R.S. 33:385.1(A))

Houma Firefighters (Act 51)

New law changes initial service requirements for entry-level firefighters in the City of Houma.

(Amends R.S. 33:2495.3(A))

Shreveport Firefighters (Act 260)

Relative to the classified fire service, new law requires persons selected for appointment to an entry-level position as a firefighter in the city of Shreveport to complete a fire training academy prior to the start of the working test period.

(Amends R.S. 33:2495.3(A))

Investments by Political Subdivisions (Act 301)

Present law authorizes all municipalities, parishes, school boards, and other political subdivisions of the state to invest in bonds, debentures, notes, or other indebtedness issued by a state other than La. or any such state's political subdivisions or by domestic U.S. corporations, provided that certain conditions are met, including that, prior to purchase of any such indebtedness and at all times during which such indebtedness is owed, the purchasing La. political subdivision shall retain the services of an investment adviser registered with the U.S. Securities and Exchange Commission or a trust company that has offices in La., that is regulated by the Office of Financial Institutions or the applicable federal agency, and that owes a fiduciary duty to act solely in the best interest of the political subdivision.

New law allows the purchasing La. political subdivision to retain instead the services of an institution that is insured by the Federal Deposit Insurance Corp., that has trust powers in La., and that has a main office or a bank branch in La.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:2955(A)(1))

Ad Valorem Tax Propositions (Act 406)

Present constitution requires the legislature to determine dedicated taxes required for the sound actuarial maintenance of certain Louisiana public retirement systems.

Prior law required a certain percentage of ad valorem taxes shown to be collectible by the tax rolls of certain parishes to be contributed to certain state and statewide retirement systems.

New law retains prior law and specifies that the notice of intent and proposition for ad valorem taxes levied to fund volunteer fire departments will include a statement that a portion of the tax proceeds is required to be contributed to state and statewide retirement systems.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 33:3111)

Jefferson Davis Parish Waterworks Districts (Act 323)

New law increases to \$150 the maximum per diem for the commissioners of any waterworks district located in Jefferson Davis Parish.

New law, applicable to all Jefferson Davis Parish waterworks districts, provides that a per diem increase requires a 2/3rds vote of the parish governing authority after a public hearing that has been advertised twice in an official journal of the district.

(Amends R.S. 33:3819(H))

**Evangeline Parish Waterworks District No. 1
(Act 56)**

New law increases to \$100 the maximum per diem for the commissioners of Evangeline Parish Waterworks District No. 1, and reduces the number of meetings for which per diem may be paid to one meeting per month.

(Adds R.S. 33:3819(L))

**New Orleans Sewerage and Water Board
(Act 366)**

New law changes the composition of the Sewerage and Water Board of New Orleans.

Present law requires the board to submit quarterly reports to the city council. New law adds submission deadlines and requires that additional content be included in the report. New law provides that if reports are not timely submitted, the executive director must attend the next city council meeting and explain the reasons for the delay.

New law requires that the board send a report, by electronic mail, to the members of the Orleans Parish legislative delegation and the members of the governing authority of Orleans Parish detailing the pumping and electrical power of its facilities and the available manpower no later than 24 hours prior to a hurricane entering the Gulf of Mexico and no later than 48 hours after a flood watch or warning or thunderstorm watch or warning is issued for any area of Orleans Parish.

New law takes effect on the first day of January following an election at which a majority of the voters of the city of New Orleans approve an amendment to the home rule charter of the city to change the composition of the sewerage and water board and terminates the terms of members serving on the board on that date.

Except as otherwise provided above, effective upon signature of the governor (May 20, 2018).

(Amends R.S. 33:4071, 4074, and 4091; adds R.S. 33:4091(C)(8), (D), (E), and (F))

La. Energy and Power Authority (Act 138)

New law provides for the creation of the La. Energy and Power Authority Unit 1 participants committee comprised of those municipalities that are contracted through a power sales agreement.

New law provides that the committee has the sole authority to decide all matters related to the unit and that such matters must be decided by a majority vote of the members of the committee.

(Amends R.S. 33:4545.6; Adds R.S. 33:4545.4(G))

**Lafourche Parish Tourist Commission
(Act 477)**

Prior law authorized the commission to levy a 3% occupancy tax on hotel rooms, motel rooms, and overnight camping facilities within its jurisdiction. New law increases the authorization from 3% to 4%.

Effective upon signature of the governor (May 23, 2018).

(Amends R.S. 33:4574.1.1(A)(17))

Building Named (Act 298)

New law authorizes the governing authority of the city of Kenner to name the police complex in Kenner in honor of Nick Congemi.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:4712.19)

Parish Justice Center District (Act 510)

New law creates a parish justice center district (district), as a political subdivision having boundaries coterminous with the parish, in any parish with a population of not less than 41,500 and not more than 45,000 people.

New law provides that the purposes of the district are to locate, build, operate, and maintain courtroom and related facilities for the judicial

district that encompasses the district (judicial district).

New law provides for governance of the district by the elected judges of the judicial district.

New law provides that the district has all powers necessary or convenient to effectuate its purpose.

New law authorizes the district, in accordance with present law and subject to voter approval, to levy ad valorem and sales and use taxes.

New law authorizes the district to incur debt and fund tax revenues into bonds in accordance with present law.

New law provides that the district governing authority shall exercise the authority granted in new law to the extent that revenues for such exercise are approved by the voters, and that the parish shall not exercise any authority which conflicts with such exercise.

New law provides that the district shall be subject to audit in accordance with present law.

(Adds R.S. 33:4715.3)

Ambulance Services Rates (Act 269)

Present law authorizes local governing authorities to regulate rates charged for ambulance services, in accordance with federal law relative to medical reimbursement, including emergency medical services.

New law provides that if such rates are set by a local governing authority and the ambulance service has not entered a contract for alternative reimbursement, those rates shall be the minimum allowable charge under any health insurance policy issued by any insurer regulated by the La. Dept. of Insurance.

(Amends R.S. 33:4791.1(B)(2))

Public Defender Employees and Health Insurance (Act 438)

Present law authorizes political subdivisions to contract with insurance companies to insure their employees and officials under policies covering hospitalization and to pay a portion of the premiums for such insurance.

New law provides that for purposes of such law a district public defender and his employees may participate in any group health insurance program offered to parish employees and officials.

New law provides that the district public defender office is responsible for the employer portion of the premium, unless paid for by the parish governing authority through a separate agreement. New law authorizes the parish governing authority to pay public defender employee premiums.

(Adds R.S. 33:5151(C))

Unlimited Tax Incentives (Act 513)

Present law authorizes political subdivisions to enter into cooperative endeavor agreements with private entities under which the private entity donates cash, equipment, goods, or services to local infrastructure projects. Present law authorizes political subdivisions to provide tax rebates, credits, or other tax incentives to such a donor.

Old law provided for verification of the amount of the donation, limited the tax incentive to one-half of the value of the donation or \$500,000, whichever is less, and limited the total tax incentives which may be granted to a single donor in a year to \$500,000.

New law authorizes political subdivisions to provide tax incentives to any private entity that makes a donation to any project or use of the political subdivision. New law retains requirement for the verification of the amount of the donation, but otherwise removes limitations on the incentives authorized by old law. New law requires that incentives be applied only to

revenue and resources of the political subdivision.

(Amends the title of Chapter 21-A of Title 33 of La. R.S. of 1950 and R.S. 33:7631 and 7634)

Mosquito Abatement Districts (Act 476)

New law provides that the term of board members, after initial appointments, may be up to five years as established by home rule charter or parish ordinance. New law provides that if so authorized and the term is longer than the term of a member serving on January 1, 2018, the additional period of the longer term may be applied to consecutive terms of the member, as determined by the governing authority.

Effective August 1, 2018.

(Amends R.S. 33:7723)

Lake Bullard Neighborhood Improvement District (Act 54)

Present law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose a parcel fee on behalf of the district. Old law provides that the fee is a flat fee per improved parcel of land not to exceed \$250 per improved parcel per year. New law increases the maximum rate of the fee from \$250 to \$350 per improved parcel per year.

Old law provided that the fee shall expire on Dec. 31, 2014, but authorizes renewal of the fee, subject to voter approval. Old law required the election for renewal of the fee to be held only at the same time as the mayoral primary election for the city of New Orleans.

New law provides that the fee shall expire at the end of the term provided for in the proposition authorizing the fee, not to exceed eight years. New law requires the election for renewal to be held at the same time as a regularly scheduled election in the city of New Orleans.

New law provides that the current period fee shall continue to be imposed until it expires, after

which the fee authorized by new law may be levied.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:9080(F)(1) and (3))

Upper Audubon Security District (Act 690)

Present law creates the Upper Audubon Security District in Orleans Parish as a political subdivision to aid in crime prevention and reduction by providing additional security for district residents.

Secs. 2 of Act No. 372 of the 2017 RS (effective Jan. 1, 2019) requires the election for renewal of the parcel fee on behalf of the district to be held only at the same time as the mayoral primary election for the city of New Orleans.

New law instead requires that the election for renewal be held at the same time as a regularly scheduled election in the city of New Orleans.

Effective January 2, 2019.

(Amends R.S. 33:9091.12)

University Neighborhood Security and Improvement District (Act 472)

New law changes membership of board of commissioners.

Effective upon signature of the governor (May 23, 2018).

(Amends R.S. 33:9091.24(D)(1))

University Neighborhood Security and Improvement District (Act 420)

Prior law permitted the Orleans Parish Sheriff to retain one percent of the amount collected as a collection fee.

New law changes the entity that collects the fee from the Orleans Parish Sheriff to the Department of Finance for the city of New Orleans.

Effective upon signature of the governor (May 23, 2018).

(Amends R.S. 33:9091.24(F)(7))

Delachaise Security and Improvement District (Act 311)

New law creates the Delachaise Security and Improvement District in Orleans Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for overall betterment of the district. New law provides for the district's boundaries, purpose, governance, and funding, including the authority to impose a parcel fee.

New law authorizes the governing authority of the district, subject to voter approval, to impose and collect a parcel fee on each parcel within the district.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9091.25)

Crime Prevention Districts (Act 704)

Present law creates particular crime prevention districts in specified neighborhoods.

New law authorizes any such district to use proceeds of a parcel fee it imposes to provide for the beautification of public spaces, to encourage beautification of private spaces, and to provide for the overall betterment of the district if the voters of the district authorize such use.

New law provides that the district shall indemnify its officers and board members, and that, as permitted by law, a board member is not individually liable for any act or omission arising out of performance of his duties.

New law provides that no board member or officer of a crime prevention district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as a board

member or officer, unless the board member performs an act or omission which is grossly negligent, not in good faith, or involves intentional misconduct or a knowing violation of law or any transaction from which he derives an improper personal benefit.

New law authorizes a crime prevention district to purchase or lease items and supplies and to exercise the following powers and duties:

- (1) To procure and maintain liability insurance against liability of a board member in his service or actions as a board member.
- (2) To solicit, accept, and expend additional voluntary contributions and grants.

New law provides that if the parish in which the district is located has imposed a parcel fee to fund the district, the parish may delegate the authority to impose the fee to the district. If the parish does so, the district's budget shall not be subject to approval of the parish governing authority and the sheriff or other tax collector shall remit amounts collected directly to the district.

(Amends R.S. 33:9099.1; Adds R.S. 33:9099.4)

Municipal Consortium of Small Towns (Act 331)

New law creates a municipal consortium consisting of municipalities with a population of not more than 35,000 persons and Indian tribes that choose to participate.

New law provides that the purpose of the consortium is to promote goods produced by business enterprises owned and operated by residents of each participating municipality or tribe.

New law provides that the consortium will be governed by a board of directors whose membership will be comprised of one member appointed by the governing authority of each participating municipality or tribe.

New law provides that the powers and duties of the consortium include:

- (1) to develop a centralized market place, website, or other mechanism for facilitating the sale of locally produced goods to customers.
- (2) to apply for and receive grant funding.

New law authorizes the consortium to solicit and accept voluntary contributions and grants to further its purposes.

New law prohibits the consortium from levying any tax, fee, or assessment on any member municipality.

(Adds R.S. 33:9711)

TITLE 34: NAVIGATION AND SHIPPING

Leasing by Ports and Terminal Districts (Act 587)

New law authorizes the lease or sublease of any land or buildings owned or leased by any port, harbor, or terminal district for processing, manufacturing, or commercial purposes.

New law provides a maximum term of 40 years for a primary term at a fixed rate. New law provides an extension of the primary term of up to 99 years provided the lease contains a clause for the readjustment of the rentals upon the expiration of a primary term of 40 years.

New law authorizes any port, harbor, or terminal district to ratify, confirm, or approve any lease or sublease entered into pursuant to new law, whether lessor or lessee, if granted such authority by the port, harbor or terminal district's governing authority.

(Amends R.S. 34:340.11)

Calcasieu-Cameron Navigation District (Act 240)

New law creates the District in Calcasieu and Cameron parishes to improve and maintain the

Calcasieu River and to serve as agent for the state of Louisiana which is the local sponsor and nonfederal sponsor for the Calcasieu River and Pass Project (the Project).

New law requires the district to function as the single entity responsible for acting to secure rights-of-way, and to furnish assurances for the construction, operation, and maintenance of the Project as designated by the United States Army Corps of Engineers.

New law provides for the District to provide the nonfederal sponsor's local cost share, including requirements presently in effect or in the future required by law, regulation, or assurance agreements, requirements for new features or project modifications, and requirements to provide real estate, rights-of-way, and easements for sites to dispose of dredged materials.

New law provides for the District to be governed by a board of commissioners and provides for their number, qualifications, appointment, terms of office, and meetings.

New law provides for the powers of the board necessary to maintain and improve the Project, including the collection of reasonable charges to use structures, works, and facilities administered by the board and services rendered by the board.

New law requires board contracts for construction or purchase of materials to be in accordance with the Public Bid Law.

New law authorizes the board to levy annually an ad valorem tax not to exceed five mills on the dollar on property subject to taxation in the District, provided that the levy is authorized by a favorable vote of a majority of the qualified electors in each parish within the District at an election called within three years of the effective date of new law.

New law authorizes the board to pledge all or part of its revenues to payment of bonds, but specifies that total annual tax collections shall not exceed \$20 million. New law authorizes the board, provided sufficient monies are received from the

ad valorem tax, to make specified annual payments to other governmental entities.

New law provides for sunset of the District on July first of the year following an unfavorable vote to pass and levy an ad valorem tax.

New law authorizes the board to incur debt and to issue tax-secured bonds with approval of the State Bond Commission not to exceed 40 years in duration and to bear interest not to exceed 5% per annum, payable semiannually, subject to terms of redemption not to exceed 105% of bond principal.

Effective August 1, 2018.

(Adds R.S. 34:481-490)

Houseboats (Act 628)

New law defines "houseboat" as a vessel constructed for the primary purpose of a temporary or permanent dwelling without an effective means of propulsion for safe navigation.

New law makes motorboat and sailboat registration and numbering provisions in present law, including application fees, applicable to houseboats.

New law requires the revenue collected from houseboat registration fees be paid into the "derelict houseboat account" in the Conservation Fund.

New law creates the derelict houseboat account and requires the funds in that account are to be used solely for awarding grants to parish governments to remove any unattended, derelict, junked, or abandoned houseboat in any canal, coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other waterway, whether navigable or not, or on the banks thereof within the state of Louisiana.

(Amends R.S. 34:851.19, 851.20, 851.21 and 851.32; Adds R.S. 34:851.2(13) and R.S. 56:10(B)(17))

Boat Registration Fees (Act 698)

New law adds an additional \$9.00 fee until Aug. 1, 2023, on each motorboat and sailboat registration.

New law dedicates the revenue from the increases to the Aquatic Plant Control Fund.

Present law creates the Aquatic Plant Control Fund to fund the aquatic plant control program and to fund cooperative research and public education efforts by the Dept. of Wildlife and Fisheries and the LSU Agricultural Center relative to aquatic weed control and eradication.

New law adds the eradication of roseau cane scale as a purpose of the fund.

(Amends R.S. 34:851.20(A)(1) and 851.32 and R.S. 56:10.1(C))

Watercraft Regulation (Act 318)

Present law prohibits all local political subdivisions from regulating watercraft in any respect with some exceptions.

New law authorizes any water conservation board with a jurisdiction including a parish with a population between 190,000 and 135,000 and one other adjacent parish with a population between 30,000 and 26,000, both based on the latest federal decennial census, to regulate or prohibit the operation of any vessel on, or on any area inundated by, a lake located on the border of one of the parishes within the board's jurisdiction when that body of water is above flood stage.

New law specifies that any regulation or prohibition adopted pursuant to new law does not apply to law enforcement, the National Guard, or any rescue or disaster relief organization in the exercise of their duty.

New law requires a public hearing be held prior to the adoption of any ordinance pursuant to law.

(Amends R.S. 34:851.27(A); Adds R.S. 38:2758)

TITLE 35: NOTARIES PUBLIC AND COMMISSIONERS

Notary Exams (Act 145)

Prior law provided that the written notary examination administered by the secretary of state shall be on the first Saturday of June and December.

New law provides that the secretary of state can administer the notary examination more than twice a year, and that all examination dates will be determined by the secretary of state.

Effective upon signature of governor (May 15, 2018).

(Amends R.S. 35:191(C)(3))

Coroner's Offices and Notaries (Act 169)

New law authorizes each coroner to designate one deputy or assistant per shift for each office location and appoint them as ex officio notaries public.

New law provides that each deputy or assistant so designated may, in the parish which the coroner serves, administer oaths, take acknowledgments, and attest on affidavits, all within the official capacity of the coroner.

New law provides procedures for the use of the official seal, requires the posting of bond, and prohibits compensation for the notarial services.

New law authorizes the coroner to suspend or terminate an appointment, and provides that separation from employment shall automatically terminate the powers of the ex officio notary public.

(Adds R.S. 35:416)

TITLE 36: ORGANIZATION OF THE EXECUTIVE BRANCH

Re-Creation of Department of Justice and Creation of Federalism Division (Act 432)

New law provides for the general re-creation of the Dept. of Justice and its statutory entities, effective June 30, 2018, in accordance with the "sunset" law. Proposed law makes July 1, 2024, the new termination date and termination would begin July 1, 2023, unless the department is re-created again.

New law provides that there shall also be a federalism division in the department, which shall be responsible for the appellate work of the state relating to federal litigation, multistate actions, amicus briefs, and other complex litigation as determined by the attorney general.

Effective June 30, 2018.

(Amends R.S. 36:701 and 704; Adds R.S. 49:191(11); Repeals R.S. 49:191(8)(k))

TITLE 37: PROFESSIONS AND OCCUPATIONS

Healthcare Professional Licensing Boards (Act 515)

New law provides for the transfer of healthcare professional licensing agencies, boards, commissions, and like entities to the La. Department of Health (LDH) and deletes repealed and obsolete citations and references.

New law adds at least one consumer member to each healthcare professional licensing board that did not previously have one and provides standardized eligibility criteria for such consumer members.

New law requires the governor to ensure that his appointments to healthcare professional licensing boards demonstrate diversity with respect to race, gender, ethnicity, and geography.

New law authorizes all licensing boards and commissions created and provided for in prior

law to develop a process to issue a license, permit, or certificate outside the national examination for those individuals with a disorder which is recognized by the Americans with Disabilities Act.

Prior law placed the La. Board of Veterinary Medicine within LDH. New law places the board within the La. Dept. of Agriculture and Forestry.

Effective August 1, 2018.

(Amends R.S. 36:259, 801.1, 802, and 803, R.S. 37:753, 832, 915, 916, 962, 1042, 1104, 1172, 1174, 1263, 1515, 2102, 2353, 2359, 2403, 2455, 2654, 2704, 2802, 3061, 3084, 3201, 3389, 3444, 3463, 3554, and 3703, and R.S. 40:5.11; adds R.S. 36:629(S) and R.S. 37:23.1, and 914(B)(3).

Occupational Licensing Review Act (Act 693)

New law requires the office of the governor (hereinafter "office"), beginning July 1, 2018, to annually review approximately 20% of the state's current occupational regulations, to review all occupational regulations within the subsequent five years, and to repeat the review process in five-year intervals.

New law requires the office, beginning on January 1, 2019, to annually report the findings of its reviews to the speaker of the House of Representatives, the president of the Senate, and the attorney general.

New law requires the office's report to recommend that the legislature propose legislation that may do any of the following:

- (1) Repeal occupational regulations.
- (2) Convert occupational regulations to less restrictive regulations.
- (3) Instruct the relevant licensing board or agency to promulgate revised regulations reflecting the legislature's decision to use a less restrictive regulation.

New law provides that the office may recommend no new legislation be enacted.

New law requires the La. Workforce Commission (hereinafter "commission") to designate internal personnel to establish an annual reporting requirement for the commission's collection of occupational licensing data.

New law requires the commission to compile and annually provide a report of the data collected to certain legislative committees and to make the report available on the commission's official website on or before February first of each calendar year.

New law provides for interpretation of statutes and rules as follows:

- (1) For occupational regulations to be construed and applied to increase economic opportunities, promote competition, and encourage innovation.
- (2) For any ambiguities in occupational regulations to be construed in favor of working licensees, aspiring to licensees, and persons aspiring work related to regulated occupations.
- (3) For the scope of practice in occupational regulations to be construed narrowly, so as to avoid its application to individuals who would be burdened by regulatory requirements that are only partially related to the goods and services they provide.

Effective July 1, 2018.

(Adds R.S. 37:41-45)

Occupational Board Compliance Act (Act 623)

New law creates the Occupational Board Compliance Act. By establishing and executing the policies provided in law, the state intends to ensure that occupational licensing boards and board members will avoid liability under federal antitrust laws.

For occupational regulations promulgated by occupational licensing boards, new law provides each of the following as policy of this state:

- (1) The increase of economic opportunities for all of La. citizens by promoting competition and thereby encouraging innovation and job growth.
- (2) Use of the least restrictive regulation necessary to protect consumers from present, significant, and substantiated harms that threaten public health and safety.

New law creates the Occupational Licensing Review Commission, to be composed of the governor, the secretary of state, and the attorney general or his respective designee.

New law requires the office of the governor to provide support of the commission necessary to accomplish the purposes of new law, including but not limited to research and clerical assistance.

New law establishes the commission's responsibility for active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of occupational regulations promulgated by an occupational licensing board. Active supervision described in new law does not extend to individual disciplinary actions taken or imposed by an occupational licensing board as to any active market participant subject to the jurisdiction of the occupational licensing board.

New law requires an occupational licensing board to submit any proposed occupational regulation to the commission before the occupational licensing board files the occupational regulation in the office of the secretary of state, if the occupational regulation is required to be filed in accordance with the Administrative Procedure Act (hereinafter, "APA"), or before the occupational regulation becomes effective, if filing is not required.

New law requires the commission to issue resolutions necessary to effectuate the provisions

of new law, including the process, procedures, and timelines that will govern any submission filed in accordance with new law.

The provisions of new law are not be interpreted to subject the commission to any of the administrative procedures of the APA.

The provisions of new law are inapplicable to occupational licensing boards that are not controlled by active market participants.

(Adds R.S. 37:41-46)

Licensed Practical Nurses (Act 162)

Prior law authorized fees for certification of good standing licensure of licensed practical nurses. New law repeals authorization for such fees.

Effective August 1, 2018.

(Repeal R.S. 37:977(A)(5) and (6)(c))

Nurse Licensure Compact (Act 577)

New law allows Louisiana to join a multi-state compact for nurses to obtain multi-state license privileges to practice in participating compact states to decrease redundancies in the consideration and issuance of nursing licenses and provide opportunity for interstate practice by nurses who meet the uniform licensure requirements.

New law provides that each participating state to the compact adopt similar requirements for criminal background checks, licensure, and education. New law requires verification of licensure information through the coordinated information system and exchange of information regarding discipline and adverse actions by all participating states.

New law requires a nurse leaving his home state to practice in a participating state to comply with the laws of the participating state. New law provides for a home state license and process for changing home state and location of primary residence. New law provides that the home state is responsible for taking adverse action against

nurses in violation of practice act requirements, including deactivation of multi-state licensure privileges.

New law establishes the Interstate Commission and grants each participating state a single seat on the commission.

New law provides that the Louisiana State Board of Nursing and the Louisiana State Board of Practical Nurse Examiners shall develop a voluntary reporting system in which nurses holding a multi-state license under the nurse licensure compact and who engage in the practice of nursing or licensed practical nursing in Louisiana voluntarily provide their address and other workforce related data as determined by the respective licensing board in properly promulgated rules.

New law provides that failure to voluntarily provide this information shall not be a basis for disciplinary action against or restriction of the multi-state license of any nurse or licensed practical nurse.

New law provides that the Louisiana State Board of Nursing and the Louisiana State Board of Practical Nurse Examiners shall develop a reporting system to collect aggregate data from employers on the number and geographic representation of nurses and licensed practical nurses employed in Louisiana who are practicing nursing or licensed practical nursing pursuant to a multi-state license as determined by the respective licensing board in properly promulgated rules.

New law provides that failure of an employer to submit this data to the board shall not be a basis for disciplinary action against or restriction of the multi-state license of any nurse or licensed practical nurse.

New law provides for enforcement and rulemaking authority.

Effective upon signature of the governor (May 31, 2018).

(Adds R.S. 37:1018-1020)

Pharmacy Colleges (Act 64)

Old law defined an "approved college of pharmacy" as an educational institution which is approved by the board and is either accredited by the Accreditation Council for Pharmacy Education or is a foreign school of pharmacy listed in the "World Directory of Schools of Pharmacy" whose graduate has attained educational equivalency status through a mechanism established by the board.

New law removes the requirement that a foreign school be listed in the "World Directory of Schools of Pharmacy" and otherwise retains present law by requiring that the board establish a mechanism of professional equivalency by which a graduate of a foreign pharmacy school may be approved.

(Amends R.S. 37:1164(2)(b))

Louisiana Pharmacy Practice Act (Act 602)

New law defines "chart order" as electronic or paper orders for drugs or devices for inpatients or residents of an institutional facility.

New law provides for the use of chart orders with respect to electronic prescribing of non-controlled legend drugs. New law provides for bidirectional electronic transmission of chart orders in certain circumstances from the institutional facility to the pharmacy.

New law provides that the institutional facility is the only party to the prescription drug chart order that is required to maintain a copy of the prescriber's signature.

Effective August 1, 2018.

(Adds R.S. 37:1164(59) and 1226.4)

Pharmacist Licensure (Act 31)

Prior law provided for qualifications for licensure of pharmacists. New law updates certain terminology regarding the education, professional experience, criminal background check, and application forms required for

licensure. New law provides for issuance of a license in 14 working days once the applicant successfully complies with the licensing requirements.

Prior law provided for qualifications for a pharmacist to obtain a license by reciprocity in Louisiana. New law updates certain terminology regarding the pharmacist's license in another state being in active status, passing all exams required by the board, and investigations of the applicant's original and subsequently acquired licenses in other states.

Effective August 1, 2018.

(Amends R.S. 37:1202 and 1203)

Fee Waivers for Military Spouses (Act 63)

Present law allows the board to waive the pharmacist license or technician certificate renewal fee for active duty members of the military.

New law extends the possibility of a renewal fee waiver to the spouse of an active-duty service member.

(Adds R.S. 37:1208.1)

Board of Medical Examiners (Act 599)

New law changes the membership of the La. State Board of Medical Examiners.

Old law provided that any staff member of the La. State Board of Medical Examiners, except the executive director, may be appointed to act as the lead investigator for any complaint regarding a physician received by the board or any investigation regarding a physician initiated by the board upon its own motion. New law repeals old law.

New law requires the board to appoint a director of investigations, who shall be a La.-licensed physician and who has engaged in the active practice of medicine for at least five years, to act as the lead investigator for any complaint regarding a physician received by the board or

any investigation regarding a physician initiated by the board upon its own motion.

New law provides that the director of investigations shall serve at the pleasure of the board and be answerable directly to the board. New law prohibits the director of investigations from concurrently serving as the executive director of the board.

New law stipulates that the board shall only initiate an investigation based upon one or more of the following causes:

- (1) A complaint received from a person other than an employee of the board.
- (2) Any report from a law enforcement or federal or state regulatory agency that contains information that supports a conclusion that a violation of law or any rule may have occurred.
- (3) The duly adopted motion in an executive session of the board by a two-thirds vote of the members of the board making an affirmative finding that sufficient evidence exists to conclude that a violation of law or any rule may have occurred.

(Amends R.S. 37:1263 and 1285.2(A); Adds R.S. 37:1270(A)(9))

Veterinarians and Animal Drug Salespersons (Act 219)

Prior law provided that pharmaceutical manufacturers who engage in marketing directly to a prescriber may inform the prescribers of an internet website containing prescription drug price information. New law exempts veterinarians and certain pharmaceutical marketers of prescription drugs manufactured exclusively for nonhuman consumption.

Prior law required prescribers to access the prescription drug monitoring program prior to initially prescribing an opioid and every 90 days if the course of treatment continues. New law exempts veterinarians.

Prior law required prescribers of controlled dangerous substances to obtain three credit hours of continuing education on drug diversion training, best practice prescribing of controlled substances, appropriate treatment for addiction, and other matters deemed relevant by their respective licensing board. New law exempts veterinarians.

Effective August 1, 2018.

(Adds R.S. 37:1251(D) and R.S. 40:978(F)(3) and 978.3(E))

Clinical Laboratory Personnel Committee (Act 390)

New law changes the composition of the Clinical Laboratory Personnel Committee within the LSBME.

New law updates the association International Society for Clinical Laboratory Technology to its current trade name of American Association of Bioanalysts.

Effective August 1, 2018.

(Amends R.S. 37:1314)

Acupuncturists (Act 93)

New law changes present law to provide that the La. Board of Medical Examiners shall certify as a licensed acupuncturist an individual who meets both of the following:

- (1) Holds active status with the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM).
- (2) Has successfully passed the certification examination, including the Biomedicine portion of the examination, given by the NCCAOM.

Old law required a licensed acupuncturist to establish and maintain a relationship with a physician who operates a physical practice

location in the state. New law repeals the duty to maintain a relationship with a physician.

(Amends R.S. 37:1358)

Physician Supervision; Prescriptive Authority (Act 475)

New law increases the number of physician assistants a primary supervising physician can supervise from four to eight.

Prior law provided that a graduate physician assistant must have 500 clinical hours of training prior to application for prescriptive authority.

New law provides that to be eligible to apply for prescriptive authority the physician assistant shall have 500 clinical training hours prior to graduation from an approved physician assistant education program, hold an active unrestricted license from LSBME, be authorized to prescribe by a supervising physician, and apply for a controlled dangerous substance license from the LSBP, if the physician assistant intends to control CDSs.

New law prohibits LSBME from imposing additional prescription authority qualifications through administrative rulemaking.

Effective August 1, 2018.

(Amends R.S. 37:1360.23(G) and 1360.31(C)(2))

Genetic Counselors (Act 593)

New law establishes the licensed profession of genetic counselor in La. and provides for licensure of genetic counselors by the La. State Board of Medical Examiners.

New law defines "genetic counseling" as any of a number of specified actions by a genetic counselor that occur through and as a result of communication between the genetic counselor and a patient.

New law creates the Genetic Counselor Advisory Committee for the purpose of advising and making recommendations to the La. State Board

of Medical Examiners regarding the practice of genetic counseling and genetic counselor licensure. New law provides for composition, duties, and functions of the advisory committee.

New law requires each genetic counselor licensed in accordance with new law to enter into a collaborative practice agreement with a physician who agrees to work with and provide medical support to the genetic counselor.

New law stipulates that the collaborative practice agreement shall memorialize the relationship between the genetic counselor and the physician and establish the criteria governing the genetic counselor's performance of:

- (1) Ordering genetic tests or other tests for the purpose of diagnosing a medical condition or inherited disorder or determining the carrier status of one or more family members of the patient.
- (2) Selecting the most appropriate, accurate, and cost-effective methods of diagnosis.

New law requires the La. State Board of Medical Examiners to adopt administrative rules which provide for licensing and related matters.

New law provides that in order to qualify for licensure as a genetic counselor, an applicant must satisfy certain specified criteria.

New law authorizes the board to issue a temporary license to applicants who meet conditions specified.

New law authorizes the board to issue a license to an individual who meets specified criteria.

New law stipulates that the following persons are not required to be licensed as a genetic counselor:

- (1) A physician who is licensed as a physician. New law stipulates that no physician shall use the title "genetic counselor" or any other title that indicates that he is a genetic counselor unless he is licensed as a genetic counselor.

- (2) A student or an intern from an accredited school who is participating in a supervised genetic counseling training program.

- (3) An individual from another state who is certified by the American Board of Medical Genetics or the American Board of Genetic Counseling when providing a true consultation as defined by rules of the board.

New law provides conditions and procedures for renewal of licenses, including fees therefor.

New law authorizes the board, after an administrative hearing conducted in accordance with applicable requirements of present law, or by consent of the parties, to deny or refuse to issue, revoke, suspend, or cancel a license or place on probation, reprimand, censure, or otherwise discipline a licensee upon proof satisfactory to the board that the person has done any of a list of bad acts.

New law provides that the final decision of the board in an adjudication proceeding, other than by agreement or other informal disposition, shall constitute a public record.

New law prohibits individuals who do not have a valid license or temporary license as a genetic counselor from using the title "genetic counselor", "licensed genetic counselor", or any word, letter, abbreviation, or insignia that indicates or implies that he has been issued a license or has met the qualifications for licensure.

New law provides that if the board believes a person has engaged in or is going to engage in an act or practice that constitutes or will constitute a violation of new law, the board may apply to a district court of appropriate jurisdiction for an order enjoining the act or practice.

New law provides that if the board determines a person has engaged in or is going to engage in such a prohibited act or practice, a district court of appropriate jurisdiction may grant an injunction, a restraining order, or another

appropriate order relative to the prohibited act or practice.

New law provides that a violation of new law shall be a misdemeanor punishable by a fine not to exceed \$1,000 for the first offense and \$2,000 for each subsequent offense. New law provides that the board may petition a district court of appropriate jurisdiction to enjoin the person who violates law from practicing genetic counseling.

New law stipulates that there shall be no liability on the part of and no action for damages against any member of the board, or any agent or employee of the board, in any civil action for any act performed in good faith in the execution of his duties in accordance with new law.

New law stipulates that no person, committee, association, organization, firm, or corporation shall be held liable for damages pursuant to new law for providing information to the board without malice and under the reasonable belief that such information is accurate, whether providing such information as a witness or otherwise.

(Adds R.S. 37:1360.101-1360.111)

Gas Fitting (Act 253)

New law adds that "gas fitting" does not include piping connection, disconnection, or reconnection from the outlet side of the appliance shutoff valve to the appliance inlet.

New law provides that the following persons or entities are not to be construed as gas fitters or master gas fitters solely due to the performance of the piping connection, disconnection, or reconnection described in new law:

- (1) Any person or business entity licensed by the State Licensing Board for Contractors as a mechanical contractor.
- (2) Any person or business entity classified under the heating, air conditioning, ventilation, duct work, and refrigeration subclassification of mechanical contractors pursuant to prior law.

Effective upon signature of governor (May 17, 2018).

(Amends R.S. 37:1377)

Rescue of Child or Animal in a Vehicle (Act 360)

New law provides that there shall be no liability on the part of a person for property damage or trespass to a motor vehicle, if the damage was caused while the person was rescuing a minor or an animal in distress.

New law provides that the immunity from liability for property damage to a motor vehicle does not affect a person's liability for bodily injury suffered by the minor or animal while the person was rescuing the minor or animal.

New law provides that the immunity shall apply only if the person:

- (1) Makes a good-faith attempt, based on the circumstances known to the person at the time, to locate the owner of the motor vehicle before entering, forcibly or otherwise, the vehicle.
- (2) Contacts the local law enforcement agency, the fire department, animal control, or the 911 emergency operator before entering the motor vehicle forcibly or otherwise.
- (3) Determines the motor vehicle is locked and has a good-faith belief that there are no other reasonable means for the minor or animal to be removed from the vehicle.
- (4) Believes that removal of the minor or animal from the motor vehicle is necessary because the minor is in imminent danger of suffering harm or the animal is in imminent danger of death.
- (5) Uses force that was reasonably necessary under the circumstances to enter the motor vehicle to rescue the minor or animal.

- (6) Places a notice on the windshield of the motor vehicle providing details of the person's contact information, the reason the entry was made, the location of the minor or animal, and notice that the proper authorities have been notified.
- (7) Remains with the minor or animal in a safe location, out of the elements of nature but reasonably close to the motor vehicle, until emergency responders from law enforcement, fire, or animal control arrive, unless the person cannot remain with the minor or animal, in which case the person shall notify the local law enforcement agency, the fire department, animal control, or the 911 emergency operator, as applicable, before leaving the motor vehicle, and shall then take the minor or animal to the closest police station, hospital, or shelter, as applicable.

New law provides that there shall be no liability on the part of the owner of the vehicle for any conduct that might otherwise be actionable in defending his vehicle.

Effective August 1, 2018.

(Adds R.S. 37:1738 and 1738.1)

Factitious Disorder Imposed on Another (Act 193)

New law prohibits physicians and other health care providers from diagnosing the condition of factitious disorder imposed on another, formerly known as "Munchausen syndrome by proxy", unless they meet certain specified criteria.

Present law provides for actions known as "child in need of care proceedings" which are brought by the state to protect children who are abused, neglected, abandoned, or endangered, and can result in a termination of parental rights and a complete and permanent separation of the parent from the child.

New law adds thereto provisions stipulating that a diagnosis of factitious disorder imposed on

another shall not constitute grounds for a determination that a child is in need of care unless that diagnosis is made in accordance with new law.

(Adds R.S. 37:1745.2 and Ch.C. Art. 606(C))

State Licensing Board for Contractors (Act 529)

New law increases the board membership and the quorum requirement.

Effective August 1, 2018.

(Amends R.S. 37:2151, 2152, and 2154; adds R.S. 37:2153(E)(6))

Contractor License Fees (Act 387)

Prior law provided that to defray the cost of issuing licenses, the State Licensing Board for Contractors will fix reasonable fees to be assessed, and reasonable penalties to be assessed for late applications for renewal of licenses and other administrative infractions. Prior law provided that the basic license fee will be of not more than \$100 and the fee for additional classifications will be a lesser amount as set by the board.

Prior law provided that one-half of the funds collected pursuant to prior law will be distributed on a pro rata basis to each accredited public university or community college school of construction management or construction technology.

New law retains prior law but adds that each accredited public university will receive twice as much funds as each community college.

Effective August 1, 2018.

(Amends R.S. 37:2156(C)(3)(d)(i))

Physical Therapy Licensure Compact (Act 524)

New law allows Louisiana to join a multi-state compact for physical therapists to obtain multi-

state license privileges to practice in participating compact states to decrease redundancies in the consideration and issuance of physical therapist licenses and provide opportunity for interstate practice by physical therapists who meet the uniform licensure requirements.

New law provides that each participating state in the compact adopt similar requirements for criminal background checks, licensure, and education. New law requires verification of licensure information through the commission's data system, including the use of the commission's unique identifiers, and exchange of information regarding discipline and adverse actions by all participating states.

New law requires a physical therapist leaving his home state to practice in a participating state to comply with the laws of the participating state. New law provides for a home state license and a process for changing home state and location of primary residence.

New law provides that the home state is responsible for taking adverse action against physical therapists in violation of practice act requirements, including deactivation of multi-state licensure privileges.

New law establishes the Physical Therapy Compact Commission and grants each participating state a single seat on the commission.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 37:2425)

Social Work Practice (Act 227)

Present law prohibits the practice of social work by an individual unless the individual holds a current, valid license, certificate, or registration issued by the board.

New law requires that an individual submit an application for licensure, certification, or registration to the board within 90 days of commencement of social work practice.

New law retains these provisions and provides that a faculty member who has obtained a master's degree or license in a field other than social work and who teaches a course in a social work program (other than a clinical course, a clinical practicum, or any other course involving the scope of practice of social work) at an accredited Louisiana institution of higher education shall not be construed as practicing social work and shall not be subject to the provisions of law on licensing and regulation of the practice of a social worker.

Effective August 1, 2018.

(Amends R.S. 37:2703 and 2709)

Chiropractic (Act 589)

Present law defines the practice of chiropractic. Present law provides that the practice includes the use of mechanical devices.

New law specifically adds the use of mechanical traction and mechanical massage to the practice of chiropractic.

(Amends R.S. 37:2801(3)(a))

La. Board of Chiropractic Examiners (Act 277)

Present law requires that in order to become licensed by the La. Board of Chiropractic Examiners, an applicant shall hold a baccalaureate degree from a college or university approved by an accrediting agency of the U.S. Department of Education.

New law adds that the accrediting agency may also include the successor of the U.S. Department of Education or its foreign equivalent.

(Amends R.S. 37:2805(A) and (B)(1)(d))

Licensed Professional Vocational Rehabilitation Counselors Board of Examiners (Act 626)

New law updates the name of the professional association which supplies the list of candidates

for the board from La. Association of Rehabilitation Professionals to International Association of Rehabilitation Professionals-La.

Present law requires the board to adopt the Code of Ethics of the National Association for Rehabilitation Professionals in the Private Sector. New law requires the board to adopt the Commission on Rehabilitation Counselor Certification Code of Professional Ethics.

(Amends R.S. 37:3444(A)-(C) and 3445(D))

Louisiana Behavior Analyst Board (Act 353)

New law changes the date of termination of the board from July 1, 2018 to 2028.

Effective July 1, 2018.

(Amends R.S. 37:3718)

TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS

Floodplain and Watershed Evaluation (Act 437)

New law adds the Dept. of Environmental Quality to the membership of the Floodplain Evaluation and Management Commission.

Present law provides that revisions to the statewide flood information database shall be based on various specified factors. New law adds coordinated statewide watershed evaluations as a basis for revisions to the statewide flood information database.

(Amends 38:90.2)

Rural Grant Opportunity Program (Act 384)

Prior law provided for the Statewide Flood Control Program administered by the office of engineering in the Department of Transportation and Development. The program requires a local match of 10% of the cost of construction from an authority.

New law creates the Rural Grant Opportunity Program to provide a mechanism for a municipality with fewer than 5,000 people, or a parish with fewer than 50,000 people, located in a rural area (or "authority") without financial ability to provide the local match requirement to apply for funds.

New law provides that funds for the Rural Grant Opportunity Program shall not exceed 25% of the annual capital outlay appropriation by the legislature for the Statewide Flood Control Program.

New law requires an authority's application to meet the requirements of R.S. 38:90.4(A)(1) and also to include a resolution declaring its financial inability to meet a 10% local match and documentation to support its declaration.

New law relieves an authority whose grant application is approved from satisfying the 10% local match.

New law makes federal matching projects ineligible for funds under the Rural Grant Opportunity Program. New law prohibits special districts from participating in the program.

Effective August 1, 2018.

(Amends R.S. 38:90.4 and 90.9; adds R.S. 38:90.1(12) and (13) and 90.4.1)

Calcasieu Parish Commissioners (Act 340)

Old law authorized members of the board of commissioners in Calcasieu Parish to receive compensation not to exceed \$100 per day for every day a commission member is actually employed in the service of the district. New law increases the maximum to \$150 per day.

(Amends R.S. 38:1794(A)(2)(a))

Interest on Overdue Public Obligations (Act 566)

Prior law required public entities to promptly pay all obligations arising under a public contract when the obligations are due and payable under

the contract. Prior law required that if the public entity fails to make any progressive stage payment, without reasonable cause, within 45 days after receipt of a certified request for payment, the entity is liable for reasonable attorney fees.

New law adds provision that the public entity is also liable for interest charged at 0.5% accumulated daily, not to exceed 15%.

Prior law required that if the public entity fails to make final payment after formal final acceptance and within 45 days after receipt of a clear lien certificate, the entity is liable for reasonable attorney fees. New law adds provision that the entity is also liable for interest charged at 0.5% accumulated daily, not to exceed 15%.

New law provides that any interest paid by public entities on public contracts shall be disbursed on a prorated basis among the contractors and subcontractors within ten business days of receipt of the interest payment.

Effective August 1, 2018.

(Amends R.S. 38:2191(B))

Public Procurement (Act 465)

Present law provides that purchases of \$10,000 or more but less than \$30,000 must be made by obtaining not less than three telephone or facsimile quotations.

New law expands the methods for submission in present law, adding email or other printable electronic forms.

New law requires written confirmation of accepted offers accompany any telephone quotes received.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 38:2212.1(A)(1)(b))

Levee Restoration (Act 295)

Present law that grants a public entity the ability to restore or rehabilitate a levee that is not maintained with federal funds, is effective until Dec. 31, 2018.

New law extends the termination date to Dec. 31, 2022.

(Amends R.S. 38:2212(C)(3)(b))

Public School Purchasing (Act 306)

Present law authorizes any public school district or public school to enter into an agreement with a group purchasing organization for the purchase of materials, equipment, and supplies, including any installation thereof.

Present law requires that any such agreement provide that the organization submit a price list and that the prices quoted remain in effect for a stated period of time, not less than three months, and that any such price list shall be considered a valid and binding bid by the organization.

Present law provides that a price list submitted by a group purchasing organization is not a public record and is not available for public inspection, but the agreement setting forth the existence of the price list and the effective date thereof is a public record and that the portion of the price list setting forth the items being purchased becomes a public record when bids are opened. New law adds that the list becomes a public record when the purchase contract is executed.

New law authorizes public school districts and public schools that choose to solicit quotations or bids to consider a price list previously submitted to it by the group purchasing organization as a valid and binding bid for such solicitation.

(Amends R.S. 38:2212.1(N))

Construction Management at Risk (Act 456)

Present law prohibits CMAR from being used for any project that is estimated to cost less than \$25

million dollars, except if the project is in the CMAR pilot program.

New law decreases the cost threshold of a CMAR project from \$25 million to \$5 million, and repeals the CMAR pilot program.

Present law requires a public entity to submit a proposed CMAR pilot project, by name together with the reason to use CMAR, to the House and Senate transportation, highways, and public works committees for review and approval prior to proceeding to use CMAR.

New law modifies present law by requiring the public entity to deliver written notification of the proposed CMAR project by name and description at least 60 days prior to proceeding to use CMAR.

(Amends R.S. 38:2225.2.4(A)(3))

Port Purchases of Cranes (Act 173)

New law authorizes all port commissions and port, harbor, and terminal districts to purchase port-related specialized cranes and any replacement parts through a request for proposals.

New law requires that specifications for the specialized cranes or replacement parts be prepared in advance and designate the specific class of any specialized crane and replacement part desired and authorizes the specifications to include requested or alternative features associated with the specified class. New law authorizes the specifications to include requirements for maintenance of the specialized crane or any replacement part if desired.

New law authorizes the commission or district to pre-qualify bidders for the procurement of any specialized crane or replacement part, and requires that the commission or district publish a notice of the request for qualifications at least 25 days prior to the date scheduled for opening the request for qualifications to bidders. New law also requires that the notice and all procedures for the pre-qualification be published on the website of the commission or district that is available to the general public.

New law provides for the mailing or emailing of written notice of the request for qualifications to firms that are known to be in a position to furnish specialized cranes and replacement parts.

New law specifies that if the commission or district chooses to pre-qualify bidders, only prequalified bidders may submit bids on the designated purchase contract.

New law specifies that if pre-qualification procedures are not used, then public notice of the request for proposals is required and must be given in the same manner as the public notice of request for qualifications.

New law requires that a request for proposals be mailed or emailed to all pre-qualified firms and include certain specified information.

New law authorizes the commission or district to negotiate the price, conditions, and terms of the purchase contract with any bidder who submits a proposal and requires an award be made, in writing, to the bidder whose proposal is determined to be the most advantageous by the governing authority of the commission or district, except as provided in new law.

New law authorizes the governing authority of the commission or district to reject all proposals when it is deemed that the action is in the best interest of the commission, district, or local governmental entity.

New law defines "specialized crane" as a container crane, bulk unloader, spiral conveyor, or other cargo handling equipment used primarily in the operation of a port facility.

New law provides for financing terms and conditions of the procurement to be agreed upon by the commission or district and the crane or replacement parts provider.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 38:2320.1)

Integrated Coastal Protection Projects (Act 393)

New law authorizes political subdivisions to use an outcome-based performance contract alternative project delivery method to contract for financing, designing, constructing, and monitoring integrated coastal protection projects.

New law prohibits the use of outcome-based performance contracts for projects that cost more than \$25 million or with terms exceeding 10 years.

New law generally defines "outcome-based performance contract" to be a contract with specific outcomes or goals and for payment upon completion of those agreed-upon outcomes or goals.

New law defines "outcome-based performance contractor" as any person or entity properly licensed, bonded, and insured who is responsible to the owner for the integrated coastal protection project to be delivered.

New law defines "owner" to be the political subdivision.

New law defines "resident business" as one authorized to do and doing business under the laws of this state that either maintains its principal place of business in the state or that employs a minimum of two employees who are residents of La.

New law prohibits the political subdivision from accepting unsolicited proposals for outcome based performance contracts. New law specifies that nothing in the law prohibits a company from making suggestions for new projects or alterations to solicited proposals. New law specifies that the award of any contract may be made only after the issuance of a request for proposal and competitive bid.

New law provides for financing terms and conditions of outcome-based performance contracts to be determined by the political subdivision and the outcome-based performance contractor.

New law allows the political subdivision to acquire land and easements in order to serve the purpose of new law.

New law requires outcome-based performance contractors to employ duly licensed professionals.

New law authorizes the political subdivision to provide a request for statement of interest and qualification (RSIQ). New law delineates the requirements of what must be included in the RSIQ.

New law authorizes the political subdivision to establish a qualification review committee which must evaluate the responses to the RSIQ. New law requires the qualification review committee to create a list of the highest rated proposers and present the list to the political subdivision.

New law requires the political subdivision to issue a request for proposal (RFP) to those making the list of highest rated proposers. New law delineates what must be included in the RFP.

New law authorizes the political subdivision to establish a proposal review committee consisting of representatives of the owner, a design professional with appropriate expertise, and a licensed contractor with appropriate expertise.

New law requires the proposal review committee to make recommendations to the political subdivision within 90 days of the deadline for responses to the RFP.

New law requires the political subdivision and the selected outcome-based performance contractor to execute a contract within 60 days of the award of the outcome-based performance contract. New law specifies that if no contract is executed within those 60 days, the political subdivision may readvertise the project.

New law requires the political subdivision to cancel any solicitation and decline to award a contract if a determination is made that the cancellation or declination is in the best interests of the political subdivision.

New law prohibits a challenge by legal process to any selection of an outcome-based performance contractor except for fraud, bias, or arbitrary and capricious selection by the authority.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 38:2320.1)

Capital Area Groundwater Conservation (Act 625)

New law changes the membership of the board of commissioners of the Capital Area Groundwater Conservation District.

Effective upon signature by governor or lapse of time for gubernatorial action.

(Amends R.S. 38:3074)

Poverty Point Reservoir District (Act 226)

New law changes the membership of the board of commissioners of the District.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 38:3087.4(A) and (B))

Sparta Groundwater Conservation District (Act 316)

New law provides for annual reporting requirements specific to the Sparta Groundwater Conservation District.

(Adds R.S. 38:3087.138 and 3097.8(D))

Sabine River Authority (Act 474)

New law requires the written concurrence of the Water Resources Comm. of any contracts which provide for the sale, utilization, distribution, or consumption, outside of the boundaries of the state, of the waters over which the SRA has jurisdiction or control.

Effective August 1, 2018.

(Amends R.S. 38:3097.4; adds R.S. 38:2325(A)(16)(e))

Amite River Basin Drainage and Water Conservation District (Act 421)

New law requires the board of commissioners to adhere to the Open Meetings Law, and to operate under Robert's Rules of Order.

New law regulates the times and places for the board's meetings.

Effective August 1, 2018.

(Amends R.S. 38:3304(A); adds R.S. 38:3304(C))

TITLE 39: PUBLIC FINANCE

State Employees' Use of Internet (Act 669)

New law requires the division of administration to adopt policies regarding the acceptable use by state employees who use state-owned or state-leased computers to access the internet and online sites that contain harmful material which is reasonably believed to be sexuality explicit, pornographic, or sexually harassing and, therefore, reasonably believed to create a hostile work environment as prohibited by federal law.

New law provides that it shall apply to state-owned or state-leased computers which are in the care, custody, or control of the division of administration or in the care, custody, or control of any other state agency which is subject to laws regarding the office of technology services in the division of administration.

New law provides that the policies adopted by the office of technology services include the use of computer-related technology or the use of internet service provider technology designed to block access or exposure to any harmful material as specified in new law.

New law does not prohibit any authorized employee from having unfiltered or unrestricted access to the internet or an online service for law enforcement, legitimate scientific, or educational

purposes as determined and approved by the employing agency.

New law does not prohibit any state employee from having unfiltered or unrestricted access to the internet or any online service on a computer or device that is not owned by the state, so long as the unrestricted device is not used to access or for exposure to any harmful material during the hours in which he is working for the state.

Effective August 1, 2018.

(Amends R.S. 39:15.3; adds R.S. 39:249)

Fiscal Transparency Website (Act 1 of Second Extraordinary Session)

New law requires the commissioner to establish and maintain the Louisiana Fiscal Transparency Website as a centralized, searchable website, to be known as the "Louisiana Checkbook".

New requires that the website provide information to the public about data and reports of state expenditures, contracts, incentive expenditures, revenues, and other financial matters.

New law provides that the website serve as an interactive portal for the public to access state fiscal information.

New law provides that all agencies, boards, commissions, departments, institutions of higher education, legislature, and judiciary are to furnish information, reports, aid, services, and assistance as may be requested by the commissioner.

New law requires that all state agencies, higher education agencies, the judicial branch, and the legislative branch that are not maintained on the LaGov statewide enterprise resource planning system shall either elect to join the LaGov statewide enterprise resource planning system, or report the information required in new law to the office of technology services in the division of administration in the same format and manner as provided in new law.

New law requires that all reporting be submitted electronically and in the same manner as prescribed for all agencies in LaGov statewide enterprise resource planning system.

New law requires that the Louisiana Checkbook present information on its website in a manner that is intuitive to members of the general public and provide for various specified functionalities.

New law requires that the commissioner ensure that the website contains certain information relative to all databases as possible and applicable.

New law requires that the commissioner ensure that the website includes an expenditure database that is electronically searchable by the public and contains reporting of expenditures by each budget unit in the executive budget, and requires all state agencies to provide information.

New law requires that the expenditure database have various specified functionalities

New law provides that the expenditure database include various specified content.

New law provides the commissioner is to ensure that the website includes a contract database that is electronically searchable by the public, and requires that the contract database include various specified functionalities.

New law requires that the contract database include various specified content.

New law requires, that for all state contracts, the contractor submit no later than February 28th of each year a verification to the Department of Revenue listing each subcontractor who is paid \$1,000 or more per year for services provided by the contract and for whom the contractor is required to make a return to the IRS, in accordance with Section 6041A(a) of the IRC, as provided for by department rule.

New law requires that the commissioner provide an employment and payroll database that is electronically searchable by the public and that

the database have the various specified functionalities.

New law requires that the employment and payroll database include various specified content.

New law requires the Louisiana Checkbook to contain information regarding the number of authorized positions and the number of vacant positions for each institution of higher education and each budget unit contained in the General Appropriation Act and the Ancillary Appropriation Act.

New law requires that for all state contracts, each contractor is to submit a verification to the Department of Revenue listing each subcontractor who is paid \$1,000 or more per year for services provided by the contract and for whom the contractor is required to make a return to the IRS as provided by rule of the Department of Revenue.

New law requires the commissioner to ensure the website includes a reports database that is electronically searchable by the public and that it be organized and searchable in an intuitive manner and include various specified content.

New law requires that the website contain or provide access to state agency reports required by law.

New law provides for a boards and commissions database that is electronically searchable by the public and which includes various specified functionalities.

New requires that the boards and commissions database shall include membership information, employee information, and financial and budget information required by R.S. 49:1302 and R.S. 24:513.2 and that it provide a link to or incorporate the annual reports submitted to the legislature by the legislative auditor on boards, commissions, and like entities under R.S. 24:513.2(E).

New law requires the state treasurer to establish and maintain a state debt database that is

electronically searchable by the public and that it have certain specified functionalities:

New law requires that the state debt database shall include various specified content.

New law requires that the commissioner include an incentives database that is electronically searchable by the public and that the commissioner require any state agency that administers an incentive expenditure program to report the information stated in new law for any incentive expenditure entered into on or after July 1, 2018. The state agencies that administer such programs shall provide, or require the beneficiaries of each program to provide, sufficient information to satisfy the requirements of new law. The direct recipient shall assume responsibility for reporting the information required in new law.

New law requires that the incentives database shall have certain specified functionalities.

New law requires that, as to the incentives database, the administering state agency is to report in each fiscal year information.

New law provides that the incentives database shall not include the information that is protected from disclosure pursuant to R.S. 44:3.2(C) and R.S. 44:22.

New law requires that the commissioner ensure the website includes a dedicated funds database that is electronically searchable by the public which includes information that contains the electronic database of reports supported by appropriations from dedicated funds required by R.S. 49:308.5(B) and access to the report on special funds prepared by the state treasurer as required by R.S. 49:308.3(E).

New law requires a performance database that is electronically searchable by the public, that the executive branch is required to provide information for this database and that the database include the Louisiana Performance Accountability System, the electronic performance database that tracks performance standards, interim quarterly performance targets,

and actual performance information for executive branch departments and agencies required under the Louisiana Government Performance and Accountability Act, R.S. 39:87.1 et seq.

New law requires state agencies to submit to the commissioner comprehensive data sufficient to comply with the provisions of new law in a type, extent, format, frequency, and timing specified by the commissioner.

New law requires internal auditors of state agencies to report to the commissioner any findings of state agencies, contractors, grantees, vendors, or recipients of state funding that are not in compliance with the requirements of new law. New law requires the commissioner to report agency noncompliance with new law to the Joint Legislative Committee on the Budget on at least a quarterly basis.

New law requires the legislative auditor to perform periodic and unscheduled reviews of state agencies, contractors, grantees, vendors, or recipients of state funds to ensure compliance with new law and that the auditor report to the commissioner and the Joint Legislative Committee on the Budget any audit finding of noncompliance.

New law requires that the auditor submit to the commissioner for publication on the website, all audits performed as authorized by a state agency contract, expenditure, or incentive expenditure.

New law provides that any state agency whose internal audit or legislative audit contains findings indicating a violation of the constitution or laws of this state or findings of fraud, waste, and abuse, shall be subject to periodic and unscheduled investigative audits by the internal auditor or the legislative auditor for a probationary period of not less than three years.

New law provides that if the judicial branch or the legislative branch elects to join the LaGov statewide enterprise resource planning system, as opposed to being linked to LaGov through a portal, no provision of new law shall be construed as conferring upon the division of administration any authority to review, approve, or deny any

expenditure or contract entered into by the legislature, or by the judiciary, or to impose any requirement on the legislature or the judiciary to take any action other than to disclose expenditures and contracts entered into on or after July 1, 2018.

Effective July 1, 2018.

(Adds R.S. 39:16.1-16.14; repeals R.S. 39:6(C))

Medicaid Forecasts (Act 651)

Prior law provided for the Medicaid Subcommittee on the Health and Social Services Estimating Conference to develop forecasts of the Medicaid program and submit those forecasts and reports on its actions to the conference.

New law further requires the subcommittee to submit the adopted forecasts to the Joint Legislative Committee on the Budget for review at the next meeting of the committee following the submission of the forecast.

Effective upon signature of the governor (June 1, 2018).

(Adds R.S. 39:21.3(E)(5)(e))

Agency Budgeting (Act 664)

Present law provides for the development of a nondiscretionary adjusted standstill budget for the ensuing fiscal year consisting of an agency's existing operating budget as of Dec. 1, plus any mandatory statewide standard adjustments provided for in the continuation budget, plus the mandatory growth in nondiscretionary expenditures.

New law further requires that the nondiscretionary adjusted standstill budget include any means of financing substitutions that do not result in a net increase or decrease in the budget unit's total budget and are necessary to finance a budget unit's current year existing operating budget as of Dec. 1 in the ensuing fiscal year prior to the application of any other adjustments.

Effective August 1, 2018.

(Amends R.S. 39:29(B)(4) and (D)(2))

Special Money Transfer (Act 10 of Second Extraordinary Session)

Prior law, relative to avails of the automobile rental tax collected in East Baton Rouge Parish, dedicated 40% to the East Baton Rouge Council on Aging, 40% to Capital Area Human Services, and 20% to the Arts Council of Greater Baton Rouge for its operations and programs.

New law provides for dedication of 40% of the avails to the East Baton Rouge Office of the Public Defender rather than the East Baton Rouge Council on Aging; otherwise retains prior law.

Prior law provided for the creation of the Deepwater Horizon Economic Damages Collection Fund, and provided that all economic damage proceeds from the Deepwater Horizon litigation in excess of the first \$200 million deposited into the FY 15-16 Deficit Elimination Fund, shall be deposited into the Economic Damages Collection Fund and then deposited (1) 45% to the Budget Stabilization Fund; (2) 45% to the Trust Fund for the Elderly; and (3) 10% to the Health Trust Fund.

New law retains prior law except that new law provides that, in FY 2018-2019, the treasurer shall deposit the annual payment of \$53,333,333 of economic damage proceeds received by the state in the state general fund.

New law authorizes and directs the state treasurer to transfer an amount of \$3,221,928 from the medical device settlement from the Department of Revenue Escrow Account to the Over Collections Fund.

Effective July 1, 2018.

(Amends R.S. 39:91(B) and R.S. 47:551(D)(8)(a))

State Budget Matters (Act 544)

Present law establishes the Budget Stabilization Fund and provides for various deposits into the fund, including 25% of any nonrecurring revenues and mineral revenues collected by the state over a base amount of \$950 million.

Present law provides for the fund to be used only under the following conditions, after consent of 2/3 of the legislature:

- (1) If the official forecast of recurring money for the next fiscal year is less than the official forecast of recurring money for the current fiscal year, the difference, not to exceed 1/3 of the fund, shall be incorporated into the next year's official forecast.
- (2) If a deficit for the current fiscal year is projected due to a decrease in the official forecast, an amount equal to 1/3 of the fund not to exceed the projected deficit may be appropriated.

New law adds the deposit of federal funds received by the state for the reimbursement of disaster costs, not to exceed the amount of costs appropriated out of the fund.

New law provides for the use of the fund in the current fiscal year for the state costs associated with a federally declared disaster, not to exceed an amount equal to one-third of the fund, after the consent of 2/3 of the elected members of the legislature. New law requires the resolution or ballot used for the required consent of the legislature to specify the amount of the fund that will be available for each state agency.

Present law prohibits the amount included in the official forecast for the next fiscal year and the amount appropriated for the current fiscal year from exceeding 1/3 of the fund balance at the beginning of the current fiscal year.

New law prohibits the combined amount of the fund incorporated in the official forecast in the next fiscal year, in the current fiscal year, and as a result of a federally declared disaster, from

exceeding 1/3 of the balance at the beginning of the current fiscal year.

New law authorizes an increase in revenues, not to exceed an amount equal to the Budget Stabilization Fund, to be available for allotment and expenditure by a state agency on approval of an increase in the appropriation by the commissioner of administration and the Joint Legislative Committee on the Budget. The amount available to each state agency is restricted to the amount specified in the resolution or ballot used for the required consent of the legislature to use the Budget Stabilization Fund.

Effective if and when the proposed amendment of Article VII of the Constitution of La. contained in the Act which originated as House Bill No. 309 of this 2018 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Amends R.S. 39:94; Adds R.S. 39:73(D))

Fund Transfers (Act 642)

New law transfers \$30,654,990 out of the FY 17 surplus to the Budget Stabilization Fund.

New law repeals present law requiring the treasurer to deposit all recurring state general fund revenue for Fiscal Year 2017-2018 in excess of the January 31, 2017, Revenue Estimating Conference forecast into the Overcollections Fund and requiring the money to be appropriated for the purposes provided in present constitution for nonrecurring revenue.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Repeals R.S. 39:100.21(B))

Medicaid Waiver Services (Act 665)

Prior law established the New Opportunities Waiver (NOW) Fund, as a special fund in the state treasury.

New law defines "waiver service" to mean Medicaid services provided under NOW, the Children's Choice Waiver, or any other Medicaid

home and community-based waiver for persons with developmental disabilities, as promulgated by rule by the Louisiana Department of Health (LDH). New law provides that LDH shall consult with the La. Developmental Disabilities Council to develop a plan for appropriations out of the fund.

Prior law provided, subject to legislative appropriation, that the monies in the NOW Fund shall be used solely to fund the NOW program administered by LDH and shall be used for the purpose of adding additional waiver slots. New law provides, subject to legislative appropriation, that monies in the NOW Fund shall be used solely to fund waiver services, as defined in new law, to improve the capacity of the state to meet the varying and complex needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services, administered by LDH.

Prior law provided that funding shall not be used to supplant appropriations from the general fund for the NOW program. New law provides that such funding shall not be used for the purpose of supplanting appropriations from the general fund for waiver services.

Prior law did not prohibit the legislature from appropriating additional monies for the NOW slot program. New law provides that nothing shall prohibit the legislature from appropriating additional monies for waiver services.

Effective August 1, 2018.

(Amends R.S. 39:100.61)

Nonstate Projects in Capital Outlay Budget (Act 653)

New law requires the office of facility planning and control, and any state agency authorized to administer capital outlay appropriations, to submit to the Joint Legislative Committee on Capital Outlay, an annual written report, no later than February first, of the nonstate projects included in the current year's capital outlay budget which has been funded by the legislature, as to which:

- (1) The cooperative endeavor agreement or any amendments thereto with the state have not been fully executed. The project manager and the nonstate entity shall give a written explanation as to why the agreement has not been fully executed.
- (2) The nonstate projects have a fully executed cooperative endeavor or amendment but have not received the approval of the office of facility planning of a proposed contract for the design or engineering of the project. The report shall include an explanation by the project manager and the nonstate entity as to the reason the contract has not been fully approved.
- (3) The nonstate projects have a fully executed cooperative endeavor and have completed the design phase, but have not begun the construction phase of the project. The report shall include an explanation of the reasons that construction has not begun by the project manager and the nonstate entity.

New law provides that a copy of each report shall be sent to each member of the legislature whose district includes one or more projects on the list.

Effective upon signature of the governor (June 1, 2018).

(Amends R.S. 39:105)

Late Capital Outlays (Act 620)

Present law requires the governor to submit his capital outlay budget which implements the first year of the five-year capital outlay program, and the bond authorization bill for the sale of bonds to fund projects included in the bond portion of the capital outlay bill, to the legislature no later than the 8th day of each regular session.

Present law authorizes capital outlay budget requests submitted after Nov. 1st to be included in the capital outlay act only if the budget request meets all of the applicable requirements as provided in present law, except for time of

submission, and the project is an "economic development project" recommended in writing by the secretary of the Dept. of Economic Development (DED), the project is an emergency project recommended in writing by the commissioner of administration, the project is for a nonstate entity which meets certain present law requirements, or the project is located in a designated disaster area and it meets certain present law requirements.

Present law defines the term "economic development" as follows:

- (1) Improvements on public or government-owned property for attracting or retaining a new or existing manufacturing or business operation that benefits La.
- (2) Facilities or improvements on public or government-owned property that generate new, permanent employment or which help retain existing employment.
- (3) Facilities or infrastructure improvements on public or government-owned property necessary for a manufacturing plant or business to operate.

New law changes the term to "economic development project" and defines it as a recruitment or retention project sponsored by DED, or a political subdivision or other public entity which has economic development as part of its stated mission or purpose, that meets one of the following criteria:

- (1) Improvements on public or government-owned property for attracting or retaining a new or existing manufacturing or business operation that benefits La. and generates new, permanent employment or which helps retain existing employment.
- (2) Facilities or infrastructure improvements on public or government-owned property necessary for a manufacturing plant or business to operate.

New law applies to the funding of all nonstate entity projects included in the capital outlay budget for fiscal years commencing on and after July 1, 2018.

Effective July 1, 2018.

(Amends R.S. 39:112(C)(2)(b))

Bounds of Political Subdivisions (Act 569)

The purpose of new law is to clarify, modernize, and make uniform the laws relating to the power of parishes, municipalities, school boards, school districts, and other political subdivision of the state to incur debt and to issue bonds and other evidences of indebtedness.

Except as provided in new law relative to the application of new law to the city of New Orleans, any parish, municipality, school board, school district, or other political subdivision of the state, acting through its governing authority, is authorized to utilize new law.

New law provides for the granting of a statutory lien and a security interest to the owners of any bonds issued pursuant to new law in such taxes, income, revenues, net revenues, monies, payments, receipts, agreements, contract rights, funds, or accounts as are pledged to the payment of the bonds. New law provides that no other notice, filing, or other proceedings or provisions of law are required for the perfection or priority of such security interest.

New law provides relative to the authorization, sale, execution, and registration of bonds.

New law provides relative to the rights of bondholders, the validity of the bonds, and the applicability of general bond laws.

New law provides relative to peremption, notice of default, and the exemption from taxation of the interest on the bonds.

New law provides relative to the negotiability and incontestability of the bonds, the application of proceeds, and the validation of the bonds.

New law provides relative to lost, destroyed, or cancelled bonds, the employment of counsel and fees, and the statutes which are not applicable to the bonds.

New law requires the attorney fees and compensation be subject to approval by the attorney general.

New law provides relative to the authority and procedures for the issuance of general obligation bonds, limited tax bonds, sales tax bonds, revenue bonds, limited revenue bonds, excess revenue bonds, and certificates of indebtedness, revenue anticipation notes, bond anticipation notes, grant anticipation notes, assessment certificates, and refunding bonds.

New law provides that the issuer, owner, or holder of any bond issued prior to July 1, 2018, is subject to the provisions of law under which the bond was originally issued.

Sections 1 and 3 of new law are effective July 1, 2018; Section 2 of new law is effective July 1, 2021.

(Amends R.S. 39:562(C) and (D); adds R.S. 39:501-517 and 521-531; repeals R.S. 17:98, R.S. 39:563-578, 611-618, 661-672, 681-684, 691-697, 698.1-698.13, 741-742.2, 743-748, 821-842, 911-914, 931-934, 971-974, 1011-1024, 1460.1, 1460.2, and 1801-1811)

List of La.'s Unpaid Tort Judgments (Act 627)

New law requires the division of administration to develop and maintain a list of all final tort judgments against the state which remain unpaid. The list shall be updated quarterly, available on the division of administration's website, and included within the comprehensive annual financial report.

(Adds R.S. 39:1538(5))

Medicaid MCOs and PBMs (Act 483)

New law requires Medicaid pharmacy benefit manager contracts to be limited to a set per transaction rate for every pharmacy claim paid.

New law prohibits pharmacy benefit managers from retaining federal drug rebates, credits, or "spread pricing" amounts in excess of what they paid the pharmacist.

New law allows the Louisiana Department of Health (LDH) to amend current contracts to comply with these provisions. New law allows LDH to terminate the contract of any managed care organization or pharmacy benefit manager who does not wish to adhere to these contract provisions, and issue a request for proposal to other pharmacy benefit managers.

New law requires LDH, after August 1, 2018, to include the provisions of prior law in any requests for proposal for Medicaid managed care organizations or pharmacy benefit managers.

New law establishes an "any willing provider" clause to prohibit Medicaid managed care organizations or pharmacy benefit managers from denying Louisiana licensed pharmacies and pharmacists the opportunity to participate in the plan provider networks, provided the pharmacy or pharmacist meets all the requirements of participating in the state Medicaid program.

Effective August 1, 2018.

(Adds R.S. 39:1648)

Small and Veteran Entrepreneurships (Act 585)

Abstract: Amends relative to the maximum gross receipts thresholds for businesses applying for certification as small entrepreneurship or veteran-owned entrepreneurship and the total evaluation points to be awarded for certain requests for proposals.

Present law requires the secretary of the Dept. of Economic Development to certify a business as a small entrepreneurship or a veteran entrepreneurship pursuant to the Hudson Initiative and Veteran Initiative if the applicant meets certain criteria.

New law requires the Dept. of Economic Development to annually adjust the maximum

average annual gross receipts limits in present law based on the Consumer Price Index for All Urban Consumers (CPI-U) for the South.

Present law provides an allowance of 10% of the total evaluation points in a request for proposal (RFP) to be awarded to an offer, or demonstrating a good faith effort, to use a veteran-owned entrepreneurship, or an offeror who is a certified veteran-owned entrepreneurship. New law increases the evaluation points to be awarded from 10% to 12%.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 39:2006(A)(4), 2175(5) and (6), and 2176(A)(4))

TITLE 40: PUBLIC HEALTH AND SAFETY

Water at Retail Food Establishments (Act 590)

Present law provides that in order to protect the public health, the state health officer shall promulgate rules and regulations relative to water system testing at retail food establishments.

New law stipulates that the rules and regulations shall not apply to a retail food establishment which is open to the public for fewer than 180 days per year and has a water system with fewer than 15 service connections.

(Amends R.S. 40:4(A)(1)(c))

Drinking Water Testing (Act 632)

New law requires the La. Department of Health (LDH) to establish a pilot program for drinking water testing at elementary schools.

New law requires LDH to select for the pilot program 12 public elementary schools at which to conduct drinking water testing.

New law requires LDH to select for the pilot program schools with buildings which were built prior to 1986 or which may otherwise be susceptible to drinking water contamination.

New law requires LDH to conduct drinking water testing on a schedule determined by the state health officer in each school selected for the pilot program.

New law requires LDH to select the standards for which the pilot program shall test such that the testing is accomplished in a cost-neutral manner.

New law requires LDH to operate the pilot program in a manner which incurs no additional cost to the department.

New law requires LDH to report findings and outcomes of the pilot program to the legislative committees on health and welfare on or before December 31 annually.

New law terminates on January 1, 2021.

(Adds R.S. 40:5.6.1)

Hainkel Home and Adult Day Health Care (Act 205)

Present law authorizes the secretary of the La. Department of Health and the commissioner of administration to negotiate terms and conditions of the lease of the state-owned John J. Hainkel, Jr., Home and Rehabilitation Center in New Orleans.

New law adds that any lease document shall ensure that in addition to continuing to operate as a long-term care facility that provides nursing home level services, the facility may provide adult day health care services.

(Amends R.S. 40:16.3(C)(1))

Dairy Permit Fees (Act 9)

New law requires the La. Dept. of Health to charge certain annual permit fees.

(Adds R.S. 40:31.39)

Death Certificates (Act 672)

New law requires coroners and physicians who sign death certificates to certify the certificate

using the La. Electronic Event Registration System of the La. Department of Health, state registrar of vital records.

Effective January 1, 2019.

(Adds R.S. 40:34(C))

Death Certificates and Organ Procurement Organizations (Act 98)

New law requires that the state registrar issue a certified copy of a death certificate to a representative of an organ procurement organization designated for the state of Louisiana by the United States Department of Health and Human Services. The death certificate shall be issued if the organ procurement organization presents documentation of a donor's anatomical gift for the purpose of documenting donor eligibility in accord with the United States Food and Drug Administration regulations and industry standards.

New law requires a written request from the organ procurement organization be transmitted by telefax, electronic delivery, or by United States mail.

New law further requires that an organ procurement organization's written request contain certain specified information.

New law provides that the organ procurement organization's written request, together with the documentation of a donor's anatomical gift, is sufficient proof for the release of the death certificate.

New law requires that if the organ procurement organization's requested form of transmittal is by telefax or electronic delivery, the death certificate shall be accompanied by the state registrar's verification that the death certificate is a duplicate of the original, the date the copy of the death certificate was issued by the state registrar's representative, along with his signature and title.

(Adds R.S. 40:41(L))

Vital Records and Veterans' Benefits (Act 99)

New law requires the state registrar to provide certain vital records to the U.S. Dept. of Veterans Affairs upon written request for the purpose of determining veterans' benefits.

New law adds that the state registrar of vital records may submit data related to deaths of veterans directly to the U.S. Dept. of Veterans Affairs in determining the eligibility of veterans benefits.

(Adds R.S. 40:41(L))

Housing Authority of Lafayette (Act 22)

New law provides that the Housing Authority of the City of Lafayette shall not be considered to be an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana. New law provides that employees of the housing authority shall not be included in the state civil service.

Effective August 1, 2018.

(Adds R.S. 40:539(C)(8)(f))

Controlled Dangerous Substances (Act 119)

New law adds Cyclopropylfentanyl and Deschloroketamine to Schedule I of the Uniform Controlled Dangerous Substances Law.

New law adds naldemedine to Schedule II of the Uniform Controlled Dangerous Substances Law.

(Amends R.S. 40:964)

Fentanyl and Carfentanil (Act 677)

Imposition of certain penalties in present law depend upon the aggregate weight of the controlled dangerous substance involved. New law adds a definition of the term "aggregate" to mean the gross weight of an exhibit of evidence.

Present law classifies fentanyl as a Schedule II substance in the Uniform Controlled Dangerous Substances Law, but provides its criminal

penalties in the penalty provisions involving Schedule I substances.

New law retains the present law classification of fentanyl as a Schedule II substance and retains its present law criminal penalties, but relocates those penalties to the penalty provisions in Schedule II. New law applies these present law penalties to violations involving the substance carfentanil.

Present law authorizes substance abuse treatment and probation in certain cases of possession or possession with intent to distribute heroin or fentanyl. Present law requires a contradictory hearing to determine the presence of a substance abuse disorder, and provides for the revocation of probation or other sanctions for the failure to complete treatment or other conditions of probation. New law relocates these provisions applicable to fentanyl to the penalty provisions in Schedule II, and makes the present law treatment provisions applicable to carfentanil as well.

(Amends R.S. 40:966 and 967; Adds R.S. 40:961(3.1))

Logistics Providers for Drugs (Act 186)

New law adds a requirement that third-party logistics providers obtain controlled dangerous substance licenses.

New law provides that "third-party logistics provider" means a person who provides or coordinates warehousing, facilitation of delivery, or other logistic services for a legend drug or legend device in interstate and intrastate commerce on behalf of a manufacturer, distributor, or dispenser of a legend drug or legend device but does not take ownership of the legend drug or legend device nor have responsibility to direct the sale or disposition of the legend drug or legend device.

(Amends R.S. 40:972 and 973; Adds R.S. 40:961(41))

Prescriptions for Schedule II Drugs (Act 32)

Prior law provided for prescriptions for controlled dangerous substances. New law

provides that a patient may request that the pharmacist dispense less of a Schedule II drug than the amount indicated in the prescription.

Effective August 1, 2018.

(Amends R.S. 40:978(A))

Prescription Monitoring Program (Act 405)

Prior law provided that when a health profession licensing board becomes aware of a prescriber's failure to comply with Prescription Monitoring Program (PMP) access requirements, the board shall consider such notice as a complaint against the licensee.

New law requires the health profession licensing board to give the prescriber notice and opportunity to come into compliance with the statutory PMP requirements upon the prescriber's first failure to comply and to consider second and subsequent failures to comply as a complaint against the licensee.

Effective August 1, 2018.

(Amends R.S. 40:978(F)(2))

Penalties for Attempting or Conspiring to Distribute or Possess to Distribute (Act 199)

Present law provides for the following penalties for the attempt or conspiracy to commit any offense set forth in the Uniform Controlled Dangerous Substances Law:

- (1) Except as provided in Paragraph (2) below, the person shall be fined or imprisoned in the same manner as for the offense planned or attempted, but such fine or imprisonment shall not exceed ½ the longest term of imprisonment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.
- (2) If the person attempts or conspires to distribute or possess with the intent to distribute a Schedule I controlled dangerous substance that is a narcotic

drug, the person shall be imprisoned at hard labor for not less than eight nor more than 50 years without benefit of parole, probation or suspension of sentence and may, in addition, be required to pay a fine of not more than \$10,000.

New law removes the penalty provisions in Paragraph (2) above, making such persons subject to the penalties set forth in Paragraph (1).

(Amends R.S. 40:979)

Drugs of Concern (Act 146)

Prior law, relative to the prescription monitoring program, defined "drugs of concern" as drugs other than controlled substances that demonstrate a potential for abuse. New law retains prior law and adds drugs whose use requires tracking for public health purposes.

Effective August 1, 2018.

(Amends R.S. 40:1003(10))

Prescription Monitoring Program (Act 232)

Prior law provided a list of individuals who may access the prescription monitoring program.

New law adds an LDH epidemiologist to the list for the purpose of assisting the Louisiana Board of Pharmacy with public health evaluations to support public policy and education.

Effective August 1, 2018.

(Adds R.S. 40:1007(E)(8))

Medical Marijuana (Act 708)

New law adds the following to the set of conditions for which medical marijuana may be recommended: glaucoma, severe muscle spasms, intractable pain, post-traumatic stress disorder, and Parkinson's disease.

New law provides that any member of the public may petition the La. State Board of Medical

Examiners for the addition of serious medical conditions and medical marijuana treatment options.

New law authorizes pharmacists specially so licensed to dispense medical marijuana to patients, their caregivers, and minor patients' domiciliary parents.

New law prohibits licensed marijuana dispensing pharmacies from dispensing raw or crude marijuana to a patient or their parent or caregiver.

New law stipulates that employers and their worker's compensation insurers shall not be obliged or ordered to pay for recommended medical marijuana in claims arising relative to worker's compensation.

Old law authorized physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to prescribe, rather than recommend, medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition if and when the U.S. Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug, thereby allowing the drug to be legally prescribed.

New law instead authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to prescribe marijuana or marijuana preparations for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition.

New law adds the following to the set of conditions for which medical marijuana may be prescribed: glaucoma, severe muscle spasms, intractable pain, and post-traumatic stress disorder.

New law defines "intractable pain" as a pain state in which the cause of the pain cannot be removed or otherwise treated with the consent of the patient and which, in the generally accepted course of medical practice, no relief or cure of the cause of the pain is possible, or none has been

found after reasonable efforts. New law provides that intractable pain is pain so chronic and severe as to otherwise warrant an opiate prescription.

New law provides that any member of the public may petition the La. State Board of Medical Examiners for the addition of serious medical conditions and medical marijuana treatment options.

New law authorizes pharmacists specially so licensed to dispense medical marijuana to patients, their caregivers, and minor patients' domiciliary parents.

New law prohibits licensed marijuana dispensing pharmacies from dispensing raw or crude marijuana to a patient or their parent or caregiver.

New law stipulates that employers and their worker's compensation insurers shall not be obliged or ordered to pay for recommended medical marijuana in claims arising relative to worker's compensation.

(Amends R.S. 40:1046 as amended and reenacted by §2 of Act No. 96 of the 2016 R.S.)

Medical Marijuana (Act 496)

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to recommend tetrahydrocannabinols (commonly referred to as "medical marijuana"), or chemical derivatives thereof, for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition.

Present law defines "debilitating medical condition" to mean cancer, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, Crohn's disease, muscular dystrophy, or multiple sclerosis.

New law adds the following conditions associated with autism spectrum disorder as conditions for which physicians may recommend treatment with medical marijuana:

- (1) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.
- (2) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.
- (3) Self-injuring behavior.
- (4) Physically aggressive or destructive behavior.

New law stipulates that no physician shall recommend medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of 18, unless the physician is a pediatric subspecialist licensed by the La. State Board of Medical Examiners and credentialed by the La. Board of Pharmacy.

Present law authorizes physicians who are domiciled in La. and licensed by and in good standing with the La. State Board of Medical Examiners to prescribe, rather than recommend, medical marijuana for therapeutic use by patients clinically diagnosed as suffering from a debilitating medical condition if and when the U.S. Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug, thereby allowing the drug to be legally prescribed.

Present law defines "debilitating medical condition" to mean cancer, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, Crohn's disease, muscular dystrophy, or multiple sclerosis.

New law retains present law and adds the following conditions associated with autism spectrum disorder as conditions for which physicians may prescribe treatment with medical marijuana if and when such prescribing becomes legal:

- (1) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.
- (2) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.
- (3) Self-injuring behavior.
- (4) Physically aggressive or destructive behavior.

New law stipulates that no physician shall prescribe medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of 18, unless the physician is a pediatric subspecialist licensed by the La. State Board of Medical Examiners and credentialed by the La. Board of Pharmacy.

(Amends R.S. 40:1046(A)(2) as amended and reenacted by §2 of Act No. 96 of 2016 R.S.)

Therapeutic Marijuana (Act 715)

New law repeals the Jan. 1, 2020 termination date for recommending or prescribing marijuana for therapeutic use.

(Repeals R.S. 40:1046(J) as amended and reenacted by §2 of Act No. 96 of 2016 R.S.)

Prescription Drug Crime Penalties (Act 203)

Present law defines a "legend drug" as any drug bearing a label required by the FDA which states: "Caution: Federal law prohibits dispensing without prescription."

Present law provides that it shall be unlawful for any person (i) to sell, deliver, or possess any legend drug except upon the order or prescription of a physician or licensed health care practitioner, or (ii) knowingly or intentionally to acquire or obtain possession of a legend drug by misrepresentation, fraud, forgery, deception or subterfuge.

Present law provides penalties for the commission of these offenses including imprisonment, with or without hard labor, for not more than five years and a fine of not more than \$5,000.

New law reduces these penalty provisions to include imprisonment for not more than six months, a fine of not more than \$500, or both.

(Amends R.S. 40:1060.13 and 1060.15(B))

Abortion Alternatives Information (Act 77)

Present law prohibits intentionally performing or attempting to perform an abortion of an unborn child of less than 20 weeks post-fertilization age without first providing the pregnant woman with an informational document including resources, programs, and services for pregnant women who have a diagnosis of fetal genetic abnormality and resources, programs, and services for infants and children born with disabilities.

New law adds that no person shall be found in violation of present law, and no penalty for a violation of present law shall be assessed, in any instance in which the required informational document is not available for use.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1061.1.2(C)(3))

Adoption Option Act (Act 319)

Present law requires the La. Dept. of Health (LDH) to publish an abortion alternatives and informed consent website. New law stipulates that the website shall feature information on adoption agencies that are not affiliated with an abortion provider, along with easily comprehensible first steps to aid pregnant women seeking to confidentially explore the option of placing her child for adoption, and indicating whether the adoption agency allows the woman to choose the adoptive parents.

New law requires that the online adoption-related information be featured on a website created and

maintained by the Department of Children and Family Services (DCFS), linked on the LDH website, and accessible by redirecting from the domain name AdoptionOption.La.Gov.

Present law requires LDH to publish printed materials which abortion providers are required to give to a woman prior to an abortion in order for consent to the abortion to be deemed voluntary and informed. New law adds a requirement that such materials include the adoption-related information provided on the abortion alternatives and informed consent website, along with a list of entities which offer free and confidential counseling to a woman considering placing her child for adoption. New law stipulates that such list shall not include any facility that counsels, refers, performs, induces, prescribes, or provides any means for abortion.

New law creates a task force within LDH to assist the secretary of the department in the preparation of the printed and Internet materials, and to develop public education initiatives to publicize such information on abortion alternatives.

New law requires LDH to prepare and make publicly available the printed and Internet materials on or before April 8, 2019.

(Amends R.S. 40:1061.17; Adds R.S. 40:1061.17.1)

Abortion Remains (Act 204)

Present law requires each physician who performs or induces an abortion which does not result in a live birth to insure that the remains of the child are disposed of by interment or cremation.

New law provides an exception in cases of abortions induced with medications when the evacuation of any human remains occurs at a later time, neither in the presence of the inducing physician nor at the facility in which the physician administered the inducing medications.

New law requires the La. Department of Health to promulgate all rules as are necessary to facilitate the transfer and burial of aborted human

remains in a manner consistent with the transfer and burial of unclaimed human remains.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1061.25(A))

Outpatient Abortion Facility Records (Act 564)

New law provides that the Louisiana Department of Health may suspend or revoke the license of an outpatient abortion facility for systematically, intentionally, or deliberately falsifying or destroying patient files or records required by law or completing in advance of an appointment with a woman seeking an abortion any portion of the patient records or forms required by law.

Effective August 1, 2018.

(Adds R.S. 40:1061.30)

Neonatal Opiate Withdrawal Syndrome Pilot Project (Act 174)

New law creates a neonatal opiate withdrawal syndrome pilot project within the La. Dept. of Health (LDH).

New law establishes the duties of LDH in implementing the pilot project.

New law requires an evidence-based pilot project conducted by a multidisciplinary team to treat infants with neonatal opiate withdrawal syndrome by providing care options that are safe alternatives to the intensive care unit in existing community or hospital settings for eligible mother-infant dyads.

New law adds that the pilot project is subject to specific appropriation by the legislature.

(Adds R.S. 40:1086.12)

Breast Cancer Information Disclosure (Act 580)

New law requires every hospital licensed by the Louisiana Department of Health (LDH) and every Louisiana physician who provides mastectomy surgery, lymph node dissection, or a lumpectomy to provide information to the patient concerning the option of reconstructive surgery following such procedures, including the availability of coverage for reconstructive surgery, in accordance with the state insurance law and applicable provisions of federal law.

New law requires the information be provided to the patient in writing and in advance of obtaining consent to the surgical procedure.

New law requires that at a minimum the information include certain specified elements.

Effective upon signature by the governor (May 31, 2018).

(Amends R.S. 40:1103.1; adds R.S. 40:1103.5)

Public Safety Telecommunicators (Act 578)

New law adds the following definitions:

- (1) "Public safety agency" means a functional division of a public or private agency which provides firefighting, police, medical, or other emergency services.
- (2) "Public safety telecommunicator" means an individual answering 911 emergency medical condition calls on behalf of a public safety agency who has authority, based on a protocol adopted by the agency, to provide telephone cardiopulmonary resuscitation instructions to a caller before arrival of professional medical assistance by first responders.

New law provides that no public safety telecommunicator who instructs a caller on telephone cardiopulmonary resuscitation, referred to hereafter as "T-CPR", shall be liable

for any civil damages arising out of the instruction provided to the caller, except for acts or omissions intentionally designed to harm, or for grossly negligent acts or omissions that result in harm to an individual.

New law provides that a caller may decline T-CPR instruction and that once declined, the public safety communicator has no obligation to provide the instruction.

New law provides that a public safety agency is not required to have public safety telecommunicators answer 911 calls.

New law requires public safety telecommunicators to be trained in T-CPR utilizing training that meets or exceeds nationally recognized emergency cardiovascular care guidelines.

New law provides that the training, at minimum, shall incorporate recognition protocols for out-of-hospital cardiac arrest, compression-only CPR instructions for callers, and continuing education as appropriate.

New law requires public safety agencies to ensure that 911 calls being answered by public safety telecommunicators have T-CPR training based on a specified phase-in timeline.

New law authorizes public safety agencies to enter into reciprocal agreements with other public safety agencies to provide T-CPR, on the condition that the agency accepting the call has a public safety telecommunicator who is trained in T-CPR.

New law requires the bureau of emergency medical services of the La. Department of Health (LDH) to identify all public and private agencies, institutions, and individuals that are or may be engaged in T-CPR training and establish minimum standards for course approval, instruction, and examination.

New law requires LDH to implement an efficient mechanism for the bureau to maintain the names of public safety communicators and receive

certificates of completion for the training course required in new law.

Effective August 1, 2018.

(Amends R.S. 40:1131 and 1131.1(D); adds R.S. 40:1133.13(F) and (G), and 1133.16)

Ambulance Service (Act 565)

Prior law governed emergency medical services provided by ambulance transport, but did not specify whether an emergency medical services provider is authorized to transport an individual to a location other than a hospital emergency department.

New law allows for protocols to be established allowing the transportation to an alternative destination if an individual's condition does not meet the definition of an emergency medical condition, subject to the following conditions:

- (1) No person shall be transported to an alternative destination unless he and the alternative destination consent to his being transported to that destination.
- (2) No ambulance service shall transport a person to an alternative destination in which the ambulance service has a financial interest.

New law requires the La. Department of Health to establish through administrative rulemaking a reasonable and adequate Medicaid reimbursement methodology for ground ambulance transfers.

New law provides that a licensed emergency medical services practitioner cannot transport a person to an alternative destination unless the person consents to being transported to the destination, and the practitioner or his employer cannot have a financial interest in the alternative destination.

Effective August 1, 2018.

(Amends R.S. 40:1131(4); adds R.S. 33:4791.1(A)(6) and (B)(7) and R.S. 40:1131.3 and 1133:14(A)(1)(c))

Emergency Medical Services (Act 152)

Present law, relative to protocols for licensed emergency medical services practitioners, provides that in the event that there is no organized or functional local parish medical society in a parish, present law requires the approval of an emergency medical service protocol be performed by a parish or multiparish medical society which is adjacent or contiguous to the parish. In the absence of such society, the district medical society shall approve an emergency medical service protocol for the parish.

Old law provided that in the event the district medical society does not approve an emergency medical service protocol for the parish, the disaster and emergency medical services committee of the La. State Medical Society shall approve an emergency medical service protocol for the parish.

Prior law required the Department of Health to promulgate rules and regulations establishing basic guidelines for statewide emergency medical service protocols based on the recommendations of the La. State Medical Society's disaster and emergency medical services committee.

New law removes references to the La. State Medical Society's disaster and emergency medical services committee.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 40:1133.14(E) and (F))

Required Equipment for Ambulances (Act 557)

Old law required that the La. Dept. of Health (LDH) promulgate rules establishing a list of required medical and safety equipment that shall be in all ambulances.

New law dispenses with the requirement to promulgate rules to establish the list.

New law adds that the list of equipment to be carried in all ambulances is based on recommendations from the Health Standards Subcommittee of the La. Ambulance Alliance.

Old law required a review of the list after four years, prohibited changing the list more than once every four years, and permitted supplementing the list with newly developed devices. New law repeals old law.

New law requires that LDH provide a list of required medical and safety equipment that shall be in all emergency medical response vehicles.

New law adds that the LDH shall distribute the list of required medical and safety equipment to every ambulance service within thirty days of adoption, and within thirty days after each subsequent adoption as the list is updated.

(Amends R.S. 40:1135.1(A)(3) and 1135.2(B)(1))

Nonopioid Directives (Act 28)

New law requires LDH to establish and post a voluntary nonopioid directive form on its website to allow a patient to voluntarily opt-out of receiving opioid prescriptions from his prescribing practitioner(s). New law allows a patient and his prescribing practitioner to sign, execute, and file the nonopioid directive. New law allows a patient to appoint a duly authorized guardian or health care representative to override an opt-out directive orally or in writing, for any reason, at any time.

New law provides immunity from civil, criminal, and professional licensure sanctions for pharmacists who dispense an opioid based on an electronic prescription, prescribing practitioners acting with reasonable care for refusing to issue an opioid prescription, an authorized guardian or health care representative for revoking the nonopioid directive, and a prescribing practitioner for issuing a prescription for or administering a controlled substance containing

an opioid when he was not a party to the executed and filed nonopioid directive.

New law authorizes health professional licensing boards that regulate prescribers to promulgate rules regarding disciplinary action against a prescribing practitioner who willfully fails to comply with a patient's voluntary nonopioid directive form.

Effective August 1, 2018.

(Adds R.S. 40:1156.1)

Mandatory HIV Testing (Act 702)

Present law provides for an exception to informed consent in testing for human immunodeficiency virus (HIV) and other infectious agents when it is determined by the infectious disease control officer, law enforcement, fire service, or emergency medical service agency that an employee has been exposed to blood or bodily fluids of a patient while rendering medical service.

New law adds an exception to informed consent in testing for human immunodeficiency virus (HIV) and other infectious agents when it is determined by the infectious disease control officer that a Good Samaritan has been exposed to blood or bodily fluids of a patient while rendering medical service.

New law provides that the hospital infection control committee shall conduct with or without patient consent a rapid HIV and any other infectious disease testing on a patient who exposes an employee or Good Samaritan to blood or bodily fluids while rendering medical service.

New law requires any Good Samaritan who believes he has sustained an exposure to an infectious disease from a person while rendering emergency healthcare services report to the hospital where the person is transported as soon as possible, but within four hours of possible exposure.

New law provides that in the event that the Good Samaritan is unaware of where the patient is

taken, the Good Samaritan may contact the designated infectious disease control officer of the transporting agency to make the report to the hospital on behalf of the Good Samaritan.

Old law authorized the hospital to inform the exposed individual of the test results.

New law instead requires the hospital to inform the exposed individual of the test results.

Old law did not require that a hospital perform such test. New law repeals old law.

(Amends R.S. 40:1157.3)

Monitoring Devices for Nursing Home Residents (Act 596)

New law provides that a nursing home resident or a surrogate may authorize the installation and use of a monitoring device in a nursing home if certain conditions are met.

New law provides that the nursing home resident may establish and the nursing home shall accommodate limits on the use of a monitoring device, including limits on the time of operation of the device and its direction, focus, or volume.

New law requires nursing homes, at the time of a person's admission, to notify the person of his right to have a monitoring device installed in his room, and to offer the person the option to have a monitoring device. New law provides that the person may exercise this right at any time during which he resides in the nursing home, and that the nursing home shall keep a record of the person's authorization or choice not to have a monitoring device.

New law provides that if a resident who is residing in a shared room wishes to have a monitoring device installed in the room and another resident living in or moving into the same shared room refuses to consent to the use of the monitoring device, then the nursing home shall make a reasonable attempt to accommodate the resident who wishes to have the monitoring device installed. A nursing home shall be deemed to have met this accommodation requirement

when, upon notification that a roommate has not consented to the use of an electronic monitoring device in his room, the facility offers to move either resident to another shared room that is available at the time of the request.

New law provides that if a resident chooses to reside in a private room in order to accommodate the use of an electronic monitoring device, the resident shall pay the private room rate. New law provides that if a nursing home is unable to accommodate a resident due to lack of space, the nursing home shall reevaluate the request at least once every two weeks until the request is fulfilled.

New law provides that after authorization, consent, and notice in accordance with new law, a nursing home resident or surrogate may install, operate, and maintain, at the expense of the resident, a monitoring device in the room of the resident.

New law requires a nursing home to cooperate to accommodate the installation of the monitoring device unless doing so would place undue burden on the nursing home.

New law stipulates that consent to the authorization for installation and use of a monitoring device may be given only by the nursing home resident or a surrogate, and that such consent shall include a release of liability for the nursing home for a violation of the resident's right to privacy insofar as the use of the monitoring device is concerned.

New law authorizes nursing home residents or their surrogates to reverse a choice to have or not have a monitoring device installed and used at any time after notice of such reversal has been made to the nursing home, and to the state long-term care ombudsman.

New law provides for a form for authorization of installation and use of a monitoring device, and requires that the form provide for various specified things.

New law provides that in any civil action against a nursing home, material obtained through the use

of a monitoring device shall not be used if the device was installed or used without the knowledge of the nursing home, or installed or used without the prescribed form. New law stipulates that compliance with the provisions of new law shall be a complete defense to any civil or criminal action brought against the resident, surrogate, or nursing home for the use or presence of a monitoring device.

New law prohibits nursing homes from denying a person or resident admission to or discharge from a nursing home, or otherwise discriminating or retaliating against a person or resident, because of a choice to authorize installation and use of a monitoring device.

New law prohibits intentional hampering, obstructing, tampering with, or destroying a monitoring device or a recording made by a monitoring device installed in a nursing home. This prohibition shall not apply to the resident who owns the monitoring device or recording, or to his surrogate.

New law adds to the nursing home residents' bill of rights the right to have a monitoring device installed in his room in accordance with new law.

New law requires that on or before Jan. 1, 2019, each licensed nursing home in La. shall provide to each nursing home resident or, if applicable, the legal guardian or legally appointed substitute decision-maker authorized to act on behalf of the resident, a form prescribed by the La. Department of Health explaining the provisions of new law and giving each resident or surrogate a choice to have a monitoring device installed in the room of the resident. New law requires nursing homes to retain a copy of each such form and make the completed forms accessible to the state long-term care ombudsman.

(Adds R.S. 40:1193.1-1193.9 and 2010.8(A)(24))

Reporting of Sexually-Oriented Crimes (Act 209)

Present law requires that a hospital or healthcare provider report a sexually-oriented criminal offense to law enforcement if the victim is 16

years of age or younger. New law increases the age from 16 to 17.

(Amends R.S. 40:1216.1(A)(4)(a))

Medicaid Reimbursement of Major Teaching Hospitals (Act 234)

Prior law provided major teaching hospitals with an opportunity for Medicaid reimbursement based on a hospital prospective reimbursement methodology in which Medicaid payment is made based on a predetermined fixed amount, if the hospital has an affiliation with a Louisiana medical school accredited by the Liaison Committee on Medical Education and participates in at least four approved medical residency programs (of which two are in medicine, surgery, obstetrics, pediatrics, family practice, emergency medicine, or psychiatry), or maintains an intern and resident full-time equivalency of at least 20 filled positions.

New law repeals prior law.

Effective upon implementation of a diagnosis-related group hospital payment methodology approved by CMS.

(Repeals R.S. 40:1241)

Medicaid Reporting (Act 482)

Prior law required the La. Department of Health (LDH) to produce an annual report on the Medicaid managed care program and provides requirements for the content of the report.

Prior law required that the report include certain data concerning a specific set of health outcomes. New law deletes prior law and requires instead that the report include a copy of the annual external quality review technical report produced pursuant to federal Medicaid managed care regulations.

New law provides for quarterly reporting by LDH on the Medicaid expansion population and certain service utilization data, with a collective summary to be included in the annual Medicaid managed care report.

New law requires that the report as to monies comprising the managed care organization's medical loss ratio include total expenditures on patient care; total expenditures on healthcare quality improvements; total expenditures on healthcare information technology and total expenditures on goods and services other than patient care, healthcare quality improvements, and healthcare information technology.

New law provides that as to information related to healthcare services provided by healthcare providers to Medicaid enrollees enrolled in each of the managed care organizations, information concerning pharmacy benefits delineated by each managed care organization and by month shall include the average and range of times for responding to prior authorization requests; the number of prior authorization requests denied, delineated by the reasons for denial; and the number of claims denied after prior authorization was approved, delineated by the reasons for denial.

New law provides for quarterly reporting by LDH on the Medicaid managed care organizations' pharmacy benefit managers, with a collective summary to be included in the Medicaid managed care annual report.

Effective upon signature of governor (May 25, 2018).

(Amends R.S. 40:1253.2)

Community Water Systems (Act 292)

Present law defines "community water system" as a public water system that serves year-round residents within a residential setting, including those which serve municipalities, water districts, subdivisions, and mobile home parks.

New law requires each community water system to maintain a record of each complaint it receives by telephone, letter, or electronic mail from customers or users.

New law requires that the log containing the complaint record shall also include documentation of corrective actions that the

community water system has implemented with respect to the matters detailed in the complaint. New law requires the community water system to retain the complaint records for at least five years, and to make the records available to the La. Department of Health upon request and without charge.

New law requires that if the state health officer or his designee reviews a complaint record and, based upon the results of the review, recommends that any board member, owner, officer, or operator of a community water system, or any combination of these personnel, undertake an appropriate training course incorporating topics concerning proper customer service, customer relations, public relations, or related matters, then the personnel identified shall be required to undertake such training.

New law stipulates that the training may be delivered by the state, a contractor of the state, or a state-recognized trainer.

New law authorizes the state health officer, if he deems necessary, to require any community water system to implement a demonstrated flushing program.

(Adds R.S. 40:1281.12)

Concealed Weapons and Retired Police (Act 507)

Present law provides that an individual who is retired from service as a qualified law enforcement officer and who was commissioned by the agency or office from which he retired and is carrying the identification required by his office as a retired law enforcement officer, may carry a concealed firearm anywhere in the state, including any place open to the public.

Present law defines "qualified retired law enforcement officer" as an individual who meets certain requirements including the following:

- (1) Separated from service in good standing from a law enforcement agency as a qualified law enforcement officer.

- (2) Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health, or has not entered into an agreement with the agency in which that individual acknowledged he or she was not qualified for reasons relating to mental health.

Present law provides that the identification required is the photographic identification credential issued by the agency that identifies the person as having been employed as a law enforcement officer.

New law requires the sheriff or chief law enforcement officer to issue the required identification to each individual who meets the requirements.

New law adds that an officer is in "good standing" unless the officer is the subject of an internal investigation for which the presumptive penalty, if the investigation is disposed of as "sustained", is termination.

New law requires that the person has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to physical health and has not entered into an agreement with the agency from which the individual separated from service in which that individual acknowledged he or she was not qualified for reasons relating to physical health.

(Amends R.S. 40:1379.1.4)

Guns in Places of Worship (Act 414)

Prior law did not limit or prohibit any church, synagogue, mosque, or other similar place of worship from employing armed security guards who are certified law enforcement officers or who are authorized to carry concealed handguns.

New law retains prior law and clarifies that the armed security guards may be employed or designated, and paid, not paid, or volunteer, so long as the security guards are either certified law

enforcement officers or authorized to carry concealed handguns.

Prior law provided that any church, synagogue, or mosque authorizing the carrying of concealed handguns will require an additional eight-hour tactical training class for those persons wishing to carry concealed handguns in the church, synagogue, or mosque. Prior law required the training to be conducted annually.

New law retains prior law but provides that the eight-hour tactical training class is required only if the entity which has authority over the religious organization, or the owner of the building's liability insurance policy, requires the additional training.

Effective August 1, 2018.

(Amends R.S. 40:1379.3(U)(2) and (5))

Blasters and Explosives Handlers (Act 315)

Present law provides that licenses issued by the deputy secretary of the Dept. of Public Safety and Corrections, public safety services, to handle explosives shall be issued for a period not to exceed four years from the date of issuance.

Old law provided numerous criteria required of applicants, including determinations of mental health, lack of certain criminal convictions or arrests, lack of discharge from the armed services under conditions other than honorable, being a legal resident of the United States, and being 21 years of age or older.

New law generally retains present law but requires applicants for licenses for blasters and handlers of explosives to be 18 years of age or older.

New law adds the requirement that persons under 21 years of age who possess a blaster license shall be supervised by a licensed blaster who is at least 21 years of age.

(Amends R.S. 40:1472.3)

St. Landry Parish Fire District No. 7 (Act 58)

New law provides that the board of commissioners of the district shall consist of seven members, and that the governing authority of the parish shall appoint the additional members and set the initial terms of the additional members.

(Adds R.S. 40:1496(B)(5)(e))

DeSoto Parish Fire Protection District No. 2 (Act 48)

New law grants additional authorities taxing to DeSoto Parish Fire Protection District No. 2.

(Amends R.S. 40:1502.16(A))

Fire Marshal and Conveyance Devices (Act 598)

Present law provides for the Inspection of Life Safety Systems and Equipment. "Life safety systems and equipment" include, nonexclusively, fire sprinklers, fire alarms, fire suppression, special locking systems and equipment, and portable fire extinguishers.

New law expands law to include application to conveyance devices, and adds other provisions relative to such devices, including but not limited to certifications, construction, programming, and dismantling.

Present law provides for Life Safety and Property Protection Licensing. New law expands the applicability of licensing law to include conveyance devices, and adds other provisions, including but not limited to certifications, construction, programming, and dismantling of such devices.

Present law authorizes the fire marshal to inspect and test all life safety systems and equipment in this state to determine compliance with applicable standards.

New law expands law to authorize the fire marshal's certification of such systems and equipment.

Present law requires the owner of life safety systems and equipment to cause an annual inspection and certification of the systems and equipment.

New law expands the inspection and certification requirements of law to include conveyance devices. Only with respect to conveyance devices, new law provides that an owner is required to cause such inspections and certifications effective July 1, 2024.

New law requires a licensed conveyance device mechanic to be onsite for the final acceptance inspection by a conveyance device inspector.

Present law provides that licensure requirements do not apply to any manufacturer, and his employee or representative, who acts as a consultant to a licensed firm in the certifying, inspecting, installation, integrating, selling, and servicing of life safety and property protection systems while under the direct supervision of the licensed firm. New law adds programming.

New law provides that law does not apply to the owner of a building with two stories occupied by a single tenant wherein employees of the tenant are regularly inside of the building. Alternatively, new law requires the owner of such a two-story building to cause the inspection and certification of a conveyance device in five-year intervals, effective July 1, 2024.

New law provides that law is not applicable to conveyance devices located in one- or two-family dwellings.

Present law authorizes the fire marshal to assess and collect certain fees relative to license endorsements in 2 categories: (1) Property Protection and (2) Life Safety.

New law adds Conveyance Devices as a division within the Life Safety category and requires a technical license endorsement for such devices.

New law provides the following 2 technical license endorsements for persons:

(1) Conveyance Device Inspector.

(2) Conveyance Device Mechanic.

New law requires a person who obtains a technical license endorsement to receive certification developed and approved by the Life Safety and Property Protection Advisory Board or the fire marshal or one of the certain specified certifications.

New law provides that a person who currently holds a technical license endorsement, but has not acquired the required certification, is not prohibited from actively working pursuant to the issuance of the license endorsement, but such person is required to obtain at least one of the certifications described in new law within one year from the date the technical endorsement was issued. New law provides the one year grace period ceases to be effective Jan. 1, 2022.

New law requires continuing education for persons with technical endorsements to be developed and approved by the Life Safety and Property Protection Advisory Board or the fire marshal.

New law requires the owner of a conveyance device installed prior to July 1, 2019, except those exempt pursuant law, to register the conveyance device with the office of state fire marshal. New law requires a firm installing conveyance devices on or after July 1, 2019, to register the conveyance device with the office of state fire marshal within 30 days of its installation.

New law expands the fire marshal's duties and powers to include the ordering of a special investigation of any conveyance device accident resulting in human injury or death. New law provides for special investigations upon notification by a fire chief or his designee.

Old law provided for the Life Safety and Property Advisory Board.

New law amends old law to provide for the Life Safety and Property Education Board and changes the membership.

Present law prohibits persons or firms from certifying, inspecting, installing, integrating,

selling, or servicing life safety and property protection contrary to plans submitted for review, applicable NFPA codes, standards, or manufacturer specifications without specific written authorization from the office of state fire marshal. New law adds dismantling and programming as prohibitions without proper authorization.

New law adds ASME, ANSI, or ASCE codes as applicable codes for compliance. New law clarifies that "life safety and property protection" refers to life safety and property protection systems.

New law exempts a municipality or parish from the provisions of law if the municipality or parish has adopted and is enforcing a nationally recognized standard or code for conveyance devices, and authorizes the municipality or parish to continue enforcing the national standard or code and requires no additional inspections. New law requires the national standard or code to contain requirements substantially equal to the fire marshal's code with respect to conveyance devices.

Effective Jan. 1, 2019.

(Amends R.S. 40:1646, 1664.3, 1664.5, 1664.9, 1664.11 and 1664.12; Adds R.S. 40:1664.10(9), and 1664.17)

Fire Marshals and Life Safety Systems and Equipment (Act 92)

New law authorizes the fire marshal to provide certification of life safety systems and equipment within an owner's building, and authorizes the owner's designated representative to provide for the annual inspection or certification.

If an inspecting officer finds that the owner has failed to comply with the provisions of law, new law requires the officer to order the owner's compliance.

If an inspecting officer finds life safety systems and equipment to be inoperable or not in compliance with applicable safety standards, new law requires the inspecting officer to order the

owner to have the life safety systems and equipment inspected and brought into compliance with applicable safety standards.

New law provides that persons who fail to comply with an order issued by the fire marshal may be given a warning and ordered to comply with the initial order. New law provides that persons who fail to comply with a second order issued by the fire marshal may be fined not more than \$500 or imprisoned for not more than 6 months, or both. New law provides that each day's violation of an order constitutes a separate offense and may be punished as such at the court's discretion.

New law authorizes the fire marshal to allow fire prevention bureaus to enforce the provisions of law.

(Amends R.S. 40:1646(A) and (B); Adds R.S. 40:1646(E))

Benefits for Surviving Relatives and Certain Federal Police (Act 617)

Present law provides for payment of \$250,000 to the surviving spouse, child, or other beneficiary of a law enforcement officer who suffers death as a result of an injury arising out of and in the course of the performance of his official duties or arising out of any activity in his capacity as an officer in the protection of life and property. Present law provides that such payments are made from the state's self-insurance fund, and specifies groups of law enforcement officers to whom present law is applicable.

New law provides that present law is applicable to federal law enforcement officers or employees whose permanent duties include making arrests, performing searches and seizures, executing criminal arrest warrants, and executing civil seizure warrants and who are killed while enforcing La. law in La.

New law shall be given retroactive effect to March 1, 2015, and prospective effect.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1665.2(B)(17) and (C)(4))

Health Insurance for Surviving Relatives of Police Killed While Protecting (Act 558)

Present law provides the surviving spouse, children, or other beneficiary of a law enforcement officer killed in the course of the performance of his official duties, or arising out of any activity on or off duty in his capacity as a law enforcement officer, in the protection of life or property, \$250,000 plus \$25,000 to each of the officer's dependent children.

New law requires the employer of an officer who dies under the same circumstances to provide and pay for health insurance coverage for the law enforcement officer's surviving spouse for two years following the death of the law enforcement officer.

New law requires the employer to provide and pay for health insurance coverage for the law enforcement officer's surviving child for as long as the child remains qualified for the benefit or two years, whichever comes first.

New law provides that a child is qualified for the benefit if he is under the age of 18, under the age of 23 and enrolled in and regularly attending a secondary school or a full-time student at an accredited college or university, or physically or mentally disabled.

New law provides that if health insurance coverage is offered by the employer to active members, the health insurance provided to a surviving spouse or child shall be equal in coverage to that offered to active members.

(Adds R.S. 40:1665.2(G))

Levee District Police Compensation (Act 490)

Relative to levee district police officers, new law authorizes the payment of extra compensation to officers who are full-time employees, are paid a salary of not less than \$800 per month, have completed and passed a post-certified training program as provided in R.S. 40:2405, and have completed or hereafter completes one year of

service, by the district by which they are employed with district funds in an amount up to but not greater than the amount authorized for harbor police officers, fireboat operators, and bridge police officers by law.

Effective August 1, 2018.

(Adds R.S. 40:1667.10)

Insurance Benefits for Disabled Firemen (Act 656)

Present law provides that in any case in which a fireman or law enforcement officer is determined by the Law Enforcement Officers and Firemen's Survivor Benefit Review Board or a court of competent jurisdiction to be permanently and totally disabled as the direct and proximate result of a catastrophic injury arising out of and in the course of the performance of the fireman's or officer's official duties, the state risk manager shall pay, out of the Self-Insurance Fund, pursuant to a specific appropriation, on behalf of the officer, from the date of the catastrophic injury as long as the officer is permanently and totally disabled:

- (1) Premiums due from the fireman or officer for the amount and type of life, health, accident, accidental death and dismemberment, hospital, surgical, and medical expense insurance covering the officer and maintained by the fireman or officer through his employer at the time of the catastrophic injury.
- (2) Copayments and deductibles applicable to any insurance policy for which premiums are paid for healthcare benefits received by the fireman or officer.

New law adds that if the injured officer no longer qualifies under such insurance, then premiums shall be paid for insurance that provides for life, health, accident, accidental death, and dismemberment, hospitals, surgical, and medical expense insurance similar to that maintained by the officer through his employer at the time of the catastrophic injury.

New law adds coinsurance to copayments and deductibles.

Present law provides that the premiums, deductibles, and copayments paid pursuant to prior law are in addition to any other benefit or income available and paid to the injured officer for the disability due to the catastrophic injury. New law adds coinsurance to premiums, deductibles, and copayments paid.

Prior law provided that no benefit is payable if the fireman or officer qualifies for federal or state life, health, accident, accidental death and dismemberment, hospital, surgical, or medical expense programs. New law repeals this provision.

Prior law provided that payment shall be paid by the state risk manager. New law changes reference of state risk manager to state risk director.

Effective upon signature of the governor (June 1, 2018).

(Amends R.S. 40:1668)

Fire Marshall and Construction Code (Act 364)

Present law provides that the state fire marshal may establish contract agreements with municipalities and parishes in order to provide code enforcement on behalf of the municipality or parish.

New law provides that the contract agreement may include a provision that permits the state fire marshal to take into consideration practical and unreasonable economic hardships before applying the strict requirements of the State Uniform Construction Code.

New law provides that pursuant to the contractual agreement with a municipality or parish and upon request of the professional of record for a plan review of a structure, except one or two- family dwellings, the state fire marshal may allow alternative materials, design, and methods of construction and equipment that comply with the

provisions of the International Building Code relative to alternative materials, design, and methods of construction and equipment.

New law provides that the state fire marshal may adopt, in accordance with the Administrative Procedure Act, the provisions set forth in the International Building Code, Chapter 1-Scope and Administration, relative to alternative materials, design, and methods of construction and equipment.

Effective August 1, 2018.

(Amends R.S. 40:1730.39(A))

Courthouse Elevators (Act 528)

New law requires certain courthouses be made accessible pursuant to ADA Standards, subject only to the limitations or exceptions provided for in the ADA Standards.

New law requires any multistory courthouse to have at least one-half of all of its elevators in proper working service at all times and to be made accessible in accordance with the ADA Standards and rules promulgated by the state fire marshal pursuant to the APA.

New law provides that the owner of the multistory courthouse shall contact the elevator repair company within 24 hours of the elevator becoming inoperable and that no elevator shall remain out of service for repairs and maintenance for more than 21 consecutive days from the day the elevator becomes inoperable, unless the state fire marshal determines that extenuating circumstances necessitate the elevator remain out of service for a longer time.

New law requires the state fire marshal to notify the owner of the new deadline for compliance when he has determined that the elevator must stay out of service longer than set forth in new law.

New law provides that failure to comply with new law shall be considered a "de facto admission of fault" under the ADA Standards.

New law provides that the natural or juridical person who owns the building is responsible for the maintenance of the elevator. In addition to penalties of prior law, any building owner who violates or fails to comply with the provisions of new law shall be subject to a fine of \$2,500 per day.

New law creates an exemption for buildings no longer occupied for the public or private sessions of a court, with its various offices, which exemption includes historical courthouses no longer used for judicial proceedings and museums.

New law applies only to a courthouse that contains two or more elevators.

Effective August 1, 2018.

(Adds R.S. 40:1734(C))

Expedited Licensing for Extra Fees (Act 324)

Abstract: Provides for fees for expedited licensing surveys for certain facilities and providers licensed by the La. Department of Health.

New law provides that any person, partnership, corporation, unincorporated association, or other legal entity currently operating or planning to operate a type of health facility licensed by the La. Department of Health (LDH) may seek an expedited licensing process.

New law applies to the following licensed facilities and providers: adult day health care facility; ambulatory surgical center; home health agency; hospice; hospital; nursing facility; rural health clinic; intermediate care facility for people with developmental disabilities; end stage renal disease facility; psychiatric residential treatment facility; pediatric day health care facility; therapeutic group home; crisis receiving center; home- and community-based service provider; and adult residential care provider.

New law provides for the following fee types and amounts to be assessed and payable to LDH at the

time an application for an expedited licensing survey is made:

- (1) Tier 1 expedited licensing fee, in the amount of \$6,000.
- (2) Tier 2 expedited licensing fee, in the amount of \$5,000.
- (3) Tier 3 expedited licensing fee, in the amount of \$4,000.

New law stipulates that the expedited licensing process is at the discretion of the provider or facility requesting the process.

New law provides that if a provider or facility submits an expedited licensing process application and pays all applicable fees, then LDH shall prioritize the application. After LDH receives the completed expedited licensing application packet, the department shall contract to conduct the required survey within 10 working days of the date that the provider contacted the LDH licensing section to schedule the expedited survey.

New law requires LDH to refund any fee if the services for which the provider paid the fee are not completed within the time period specified.

New law requires LDH to ensure that no provider seeking approval to apply for licensure pursuant to a pre-licensing facility need review process is affected by another provider of the same license type choosing the expedited licensing process instead of the regular licensing process.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:2006.2)

La. Commission on HIV, AIDS, and Hepatitis C (Act 177)

New law moves the commission to the office of public health of the La. Dept. of Health and changes the commission's name to the La. Commission on HIV, AIDS, and Hepatitis C Education, Prevention, and Treatment.

New law changes the commission members.

New law provides that the chairman shall be appointed by the governor.

New law deletes old law providing that the chairman shall report directly to the governor.

New law increases the minimum number of meetings that the commission is required to hold annually from four to six, and deletes old law requiring that at least two of these meetings be for the purpose of reviewing reports of the Ryan White Regional Consortia.

New law changes the commission's termination date from September 1, 2017 to September 1, 2022.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2018.1; Adds R.S. 36:259(M); Repeals R.S. 36:4(B)(1)(ee))

La. Obesity Prevention and Management Commission (Act 409)

New law changes commission membership and provides the commission with the authority to encourage representation from multi-sector partners.

Prior law provided that the legislative authority for the commission ceased to exist on March 31, 2018. New law changes the date from 2018 to 2020.

Effective upon signature of the governor (May 23, 2018).

(Amends R.S. 40:2018.4)

Healthy Moms, Healthy Babies Advisory Council (Act 497)

New law creates the Healthy Moms, Healthy Babies Advisory Council, referred to hereafter as the "council", within the La. Department of Health (LDH).

New law provides that the council shall address racial and ethnic disparities in maternal health outcomes and incorporate a community-engaged, equity-focused lens into current programs and campaigns which seek to prevent maternal mortality and severe maternal morbidity, and shall promote safe and equitable care for every mother and every birth in this state.

New law requires that LDH provide staff support to the council.

New law requires the council to perform all of the following tasks:

- (1) Evaluate functions and activities of existing groups focused on maternal mortality in order to collaborate with and engage stakeholders.
- (2) Support and contextualize reporting of maternal outcomes data disaggregated by race and ethnicity where possible.
- (3) Incorporate an ongoing community advisory process into existing state committees and collaboratives that generate data, recommendations, and proposals for health system changes relevant to maternal mortality and morbidity, prioritizing representation from organizations led by members of affected, historically marginalized communities.
- (4) Establish guidelines for specific data components relevant to birth equity to be included in state and agency reports on maternal mortality and morbidity, including a plan for timely dissemination of reports on maternal mortality, morbidity, and related disparities to legislators, healthcare organizations, and other key stakeholders.
- (5) Make recommendations on further policy options to ensure that the state establishes ongoing public health monitoring and activated response to eliminate cases of and disparities in maternal mortality and morbidity.

- (6) Issue a report of its findings and recommendations on or before February 1, 2020, to the Commission on Perinatal Care and Prevention of Infant Mortality, the governor, the speaker of the House of Representatives, and the president of the Senate.
- (7) Issue research findings, reports, and recommendations for legislation at the discretion of the council.

New law provides that the council may request that LDH produce or provide data to inform the work of the council. New law provides that all such data shall be confidential and shall not be available for subpoena, and that such information shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding, or be deemed admissible as evidence in any tribunal or court.

New law stipulates that nothing therein shall prohibit the publishing of statistical compilations relating to maternal mortality or morbidity which do not identify individual cases or individual physicians, hospitals, clinics, or other healthcare providers.

New law terminates on March 31, 2021.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 36:259(I)(1) and R.S. 40:2018.5)

Behavioral Health Service Providers (Act 582)

New law provides relative to specialized behavioral health services providers that furnish community psychiatric support and treatment (CPST) services or psychosocial rehabilitation (PSR) services.

New law defines "preliminary accreditation" as accreditation granted by an accrediting body to an unaccredited program seeking full accreditation status.

New law requires all behavioral health service providers providing PSR or CPST services to Medicaid recipients to meet the following conditions to be eligible to receive reimbursement:

- (1) Be licensed as a behavioral health service provider agency.
- (2) Be accredited by a department-approved accrediting organization and meet various related conditions.
- (3) Effective January 1, 2019, the provider must have a National Provider Identification number (NAI). New law requires each provider agency to include its NAI number and the NAI number of individuals rendering the PSR or CPST services on its behalf on all claims for Medicaid reimbursement for dates of service on or after January 1, 2019.
- (4) Implement a member choice form to be signed by each recipient, or the legal guardian or representative of the recipient, receiving PSR or CPST in order to prevent or reduce duplication of services.
- (5) Be credentialed and in the provider network of the managed care organization that the provider intends to submit claims for Medicaid services, unless the managed care organization has a single case agreement with a provider agency not in its network.
- (6) Meet any other requirements promulgated by LDH to ensure the quality and effectiveness of services.

New law requires all behavioral health service providers to ensure that each individual rendering PSR or CPST services for the licensed and accredited provider agency meets all of the following requirements in order to be eligible for reimbursement:

- (1) For services rendered on or after January 1, 2019, the person rendering the PSR or

CPST services shall have an individual NAI number and that NAI number shall be included on any claim by that provider agency for reimbursement related to such services.

- (2) On and after July 1, 2018, any individual rendering PSR services 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. If the individual does not possess the minimum bachelor's degree but meets all provider qualifications in effect prior to July 1, 2018, they may continue to provide PSR services for the same provider agency.
- (3) On and after July 1, 2018, any individual rendering any CPST services 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.
- (4) An individual rendering PSR or CPST services for a licensed and accredited provider agency must meet all other requirements set forth in Medicaid rules, regulations, provider manuals, and policies.

New law requires LDH to maintain a facility need review process for behavioral health services providers that provide PSR or CPST services.

New law requires behavioral health services providers that provide PSR or CPST services to employ a full-time mental health supervisor, who must assist in the design and evaluation of PSR or CPST services.

New law requires LDH to implement a centralized credentialing verification organization certified by the National Committee for Quality Assurance.

New law authorizes recoupment of Medicaid funds paid to a provider who is not in compliance with new law. New law provides for referral of such providers to the Medicaid Fraud Control

Unit of the attorney general's office for further action.

New law provides for rulemaking and audits of LDH by the legislative auditor with respect to new law.

New law prohibits LDH from taking any final action resulting in the elimination of PSR and CPST services unless the action is affirmatively approved by the legislative committees on health and welfare.

Effective upon signature of governor (May 31, 2018).

(Adds R.S. 40:2162)

Disposal of Controlled Substances After Death (Act 23)

New law provides that upon the death of a patient receiving hospice services, ownership of the patient's unused Schedule II, III, IV, or V controlled substances may transfer to the hospice for immediate disposal. New law provides that if the provider disposes of the unused controlled substances then each hospice must comply with the following provisions:

- (1) Establish a written procedure to ensure safe disposal of the unused substances at the time of the patient's death.
- (2) Upon the patient's death and in the presence of a witness, require the hospice nurse to record in the medical record the name and quantity of the unused controlled substance.
- (3) Require the hospice nurse to conduct immediate disposal of the controlled substance at the site of care in compliance with the Environmental Protection Agency and Drug Enforcement Administration guidelines for safe disposal or immediate mail-back to a registered authorized collector pursuant to federal rules.

- (a) If conducting immediate disposal at the site of care, requires the hospice nurse to perform the disposal in the presence of a witness, who shall sign a document indicating their witnessing the disposal.
- (b) If participating in immediate mail-back to a registered authorized collector, requires the hospice nurse to deposit the unused controlled substance into the mail-back envelope and seal the envelope at the site of care in the presence of a witness, who shall sign a document indicating their witnessing the hospice nurse sealing the controlled substance in the mail-back envelope.
- (1) Prohibit hospice employees from removing controlled substances from the site of care, except for the hospice nurse as provided in new law.
- (2) Require the hospice nurse to record the method of disposal in the medical record.

New law requires that a copy of the written policy established pursuant to new law be furnished to each patient and to the patient's healthcare representative at the time the patient is enrolled in hospice.

Effective August 1, 2018.

(Adds R.S. 40:2191)

Peace Officer DNA Samples (Act 502)

Present law requires any peace officer hired after Aug. 15, 2003, to submit a sample of DNA and fingerprints prior to starting his employment duties and requires the hiring agency to submit the DNA material to the appropriate criminal laboratory for testing.

New law removes the requirement that the law enforcement agency must submit the material to

any criminal laboratory for testing, and instead requires the hiring agency to store all collected biological samples and not test them.

(Amends R.S. 40:2405.4(A) and (C))

Peace Officer Training (Act 495)

Present law requires the P.O.S.T. Council to create mandatory training for all peace officers to complete.

New law requires the council to create an additional training module for domestic violence.

New law requires that the council work with the deaf community to develop a communication training plan that uses face-to-face techniques with limited pre-recorded videos. New law requires the council to utilize communication cards from a nongovernmental agency that specializes in working with deaf and hard of hearing individuals.

Peace officers are required to complete this training program on and after Jan. 1, 2019. (Amends R.S. 40:2405.8)

Bulletproof Vests for Peace Officers (Act 388)

Prior law required the Dept. of Public Safety and Corrections to provide bulletproof vests to every full-time peace officer, provided that funds are appropriated for such purpose. Prior law provided that to the extent that funds are not appropriated for this purpose, DPS&C may make available for purchase to law enforcement agencies bulletproof vests no longer utilized by the department for which the manufacturer warranty has expired, for use by their full-time peace officers. New law retains prior law.

New law provides that no later than 90 days before the destruction of any bulletproof vest, the department must give notice to law enforcement agencies that bulletproof vests no longer utilized by the department for which the manufacturer warranty has expired are available for purchase, for use by part-time and reserve peace officers, constables, and deputy constables.

New law defines "part-time and reserve peace officer" and defines "constables and deputy constables".

Effective August 1, 2018.

(Amends R.S. 40:2405.1(B))

Peace Officers (Act 201)

Present law provides the criteria for which a peace officer's P.O.S.T. certification must or may be revoked.

New law requires a 30-day notice to be provided to peace officers prior to a revocation hearing.

(Amends R.S. 40:2405(J)(3))

TITLE 41: PUBLIC LANDS

Suits Involving State Lands or Water Bottoms (Act 242)

Prior law required that in suits in which title to lands or water bottoms under the jurisdiction of the Department of Natural Resources (DNR) is or may be at issue, and in all possessory actions, boundary disputes, trespass actions, actions involving alleged acquisitive prescription of immovable property, declaratory judgments, injunctions and concursus proceedings involving these lands or water bottoms, citation and service of all pleadings shall be made on the secretary of DNR.

New law requires that citation and service of all pleadings in these suits involving lands or water bottoms under the jurisdiction of the state land office be made on the register of the state land office. New law provides that in all suits in which property rights, mineral rights, or authorities under the jurisdiction of the State Mineral and Energy Board may also be at issue, citation and service of all pleadings shall also be made on the secretary of the Department of Natural Resources.

New law corrects statutory references that remained after the transfer of the state land office from the DNR to the division of administration.

New law changes references of DNR to state land office, Dept. of Public Works to DOTD, and office of forestry to Dept. of Ag. and Forestry, office of forestry.

Effective August 1, 2018.

(Amends R.S. 13:5107(C), R.S. 41:14, 51(intro para), 51(1), 1001-1006, 1008, 1009, 1042, 1044, 1082, 1084, 1132, 1133, 1213, 1701, 1703, 1706(B), 1713(A) and R.S. 50:171(A))

Timber Sales (Act 156)

Prior law provided for the procedure in which a sheriff conducts timber sale by sealed bids and prohibited the sale if the highest bid is less than the minimum price established by the office of forestry. New law changes office of forestry to Dept. of Agriculture and Forestry.

New law prohibits the sale by the sheriff when the register of the state land office determines that a sale by the sheriff is not in the best interest of the state, and authorizes the register of the state land office to conduct a sale by utilizing sealed bids, with no bid being accepted if less than the minimum price established by the department.

Effective August 1, 2018.

(Amends R.S. 41:1004)

TITLE 42: PUBLIC OFFICERS AND EMPLOYEES

Procedures for Imposing Taxes (Act 486)

Prior law provided that when a political subdivision intends to levy a new ad valorem property tax or sales and use tax, or increase or renew any existing ad valorem property tax or sales and use tax, or authorize the calling of an election for submittal of such question to the voters of the political subdivision, (1) notice must be published in the official journal of the political subdivision no more than 60 days nor less than 30 days before the public meeting, and (2) it must be announced to the public during the course of a public meeting of such political subdivision no

more than 60 days nor less than 30 days before the public meeting.

New law changes 30 days to 20 days and removes the requirement of announcing to the public during the course of a public meeting of the political subdivision.

Prior law provided that notice of such meeting shall be written and hand delivered or transmitted by email to each voting member of any governing authority of a political subdivision in no more than 60 days nor less than 30 days before the public meeting. New law changes 30 days to 20 days.

Prior law provided that in the event of cancellation or postponement of a meeting at which consideration of or action upon a proposal to levy, increase, renew, or continue any ad valorem or sales and use tax, or authorize the calling of an election for submittal of such questions to the voters of the political subdivision was scheduled, notice of the date, time, and place of any subsequent meeting to consider such proposal shall be published in the official journal of the political subdivision no less than 10 days before such subsequent meeting. New law deletes levy from prior law provisions regarding notice after cancellation or postponement; otherwise retains prior law.

Effective August 1, 2018.

(Amends R.S. 42:19.1)

Dual Office-Holding Exception (Act 536)

Present law generally prohibits a member of a parish governing authority or school board from holding any office or employment with a sheriff, assessor, or clerk of court.

New law provides an exception to allow a certified public accountant who is a member of a school board to hold employment with a sheriff to provide financial or accounting services.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 42:66(E))

Governmental Sexual Harassment Policies and Training (Act 270)

New law requires each agency head to develop and institute a policy to prevent sexual harassment which is applicable to all public servants in the agency. New law requires the policy at a minimum to contain: (1) a clear statement that unwelcome conduct of a sexual nature constitutes sexual harassment under specified circumstances and shall not be tolerated; (2) an effective complaint or grievance process that includes taking immediate and appropriate action when a complaint is received; and (3) a clear prohibition against retaliation against an individual for filing a complaint or participating in any way in an investigation or other proceeding involving a complaint.

New law requires each public servant to receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of his public employment or term of office, either in person or via the Internet through training and education materials approved by the public servant's agency head.

New law requires each agency head to ensure that each public servant in the agency is notified of the agency's policy and the mandatory training requirement and provides that the agency head, or his designee, shall be responsible for maintaining records of the compliance of each public servant in the agency with the mandatory training requirement.

New law provides that each public servant's record of compliance shall be a public record.

New law requires each agency head to ensure that its policy against sexual harassment and its complaint procedure is prominently posted on its website or, if the agency does not have a website, that a notice on how to obtain the information is posted in a conspicuous location in each of the agency's offices.

New law requires each agency head to compile an annual report containing information from the

previous calendar year regarding his agency's compliance with the requirements of new law. New law specifies that these reports are public records.

New law requires the Dept. of State Civil Service to develop and make available education and training materials, at no cost, to assist agency heads and public servants in complying with the requirements of new law.

New law specifies that the first reports required shall be due in Feb. of 2020.

Effective Jan. 1, 2019, new law requires each agency head to take all actions necessary to bring his agency in compliance with new law requirements regarding the policy and training as soon as possible.

(Adds R.S. 42:341-345)

Office of Group Benefits (Act 603)

Prior law required any new plan of benefits or the annual plan of benefits submitted under the direction of the commissioner of administration for the life, health, and other benefit programs offered through OGB, or any professional, personal, and social services contracts, other than contracts for legal services or actuarial services, to be subject to review and final approval by the appropriate standing committees of the legislature having jurisdiction over review of agency rules for OGB, or the subcommittees on oversight of such standing committees, and the office of state procurement of the division of administration.

New law requires review and approval by the Joint Legislative Committee on the Budget and removes the legislative committees and subcommittees, and the office of state procurement of the division of administration from the review and approval process.

Prior law required the implementation of programs or contracts offered through OGB to be adopted and implemented through the procedures set forth in the Administrative Procedure Act. New law deletes prior law.

Prior law provided that any person with a developmental disability who acquired such disability prior to attaining the age of 21, with one parent whose coverage of such person was terminated as a result of lost employment of the parent and one parent who is an employee, participating in life, health, or other programs sponsored by OGB, shall be covered as a dependent of such parent participating in life, health, or other programs sponsored by OGB, regardless of the age of the person with a developmental disability. New law deletes prior law and authorizes OGB to offer group insurance coverage to a certain group of dependents (the spouse and child of the enrollee).

Prior law required OGB Policy and Planning Board to use any official information provided by OGB Estimating Conference as may be necessary in the review and approval of benefits plans and proposed rate structures required by present law. New law deletes "and approval" from prior law.

Effective August 1, 2018.

(Amends R.S. 42:802, 808, and 881)

Office of Group Benefits (Act 676)

Prior law required employer and employee contributions for payment of premiums for group benefits to be deposited directly with the Office of Group Benefits (OGB).

New law requires employer and employee contributions for payment of premiums for group benefits to be deposited directly with OGB or its third-party administrator.

New law excludes from the deposit requirement premiums associated with any individual Medicare marketplace health reimbursement arrangement contracted by OGB for Medicare-eligible enrollees, or health plans administered by LSU.

New law permits OGB to retroactively cancel coverage to the extent the cancellation of coverage is attributable to a failure by the enrollee to timely pay required premiums or contributions toward the cost of coverage, and when the

cancellation of coverage is initiated by the enrollee or dependent.

New law provides that the enrollee whose coverage is cancelled is liable to OGB for all benefits paid by the office on behalf of the enrollee and dependents after the effective date of rescission or cancellation of coverage.

Prior law required coverage of any person with a developmental disability who acquired such disability prior to attaining the age of 21, with one parent whose coverage of such person was terminated as a result of lost employment of the parent and one parent who is an employee.

New law permits OGB to offer group insurance coverage to the following dependents of an enrollee: the spouse of the enrollee, a child or grandchild of the enrollee, until the end of the month the child reaches the age of 26, unless coverage is terminated earlier, and a dependent for whom the enrollee has court-ordered legal custody or court-ordered legal guardianship until the dependent turns 18.

Present law permits OGB participating employers to deduct from the employee's pay the employee's portion of the premiums for benefit programs. New law allows deduction of surcharges and other voluntary contributions authorized by the employee in writing.

Present law permits OGB to impose a surcharge, payable solely by the participant employer, upon any class of employees or retirees, and requires OGB to remove the participant employer and all of its employees and retirees from participation in OGB programs for failure to pay the surcharge. New law also authorizes OGB to impose a surcharge on an enrollee and to remove an enrollee and his dependents for failing to pay the surcharge.

New law requires the OGB Policy and Planning Board to fill a vacancy by appointment in the event no person qualifies to run for one or more elected positions.

Effective August 1, 2018.

(Amends R.S. 42:805, 807, 808, 809, 857, 883; adds R.S. 42:882(D)(3); repeals R.S. 42:804, 854(A) and (B), and 855 and R.S. 22:1002)

Ethics — Statements of Assistance Involving Conflict of Interest (Act 183)

Present law provides that no elected official of a governmental entity shall receive or agree to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the governmental entity or its officials or agencies, unless he files a sworn written statement with the Bd. of Ethics prior to or within 10 days after initial assistance is rendered. Present law provides that the contents of the statement shall be prescribed by the board.

New law removes the requirement that the statement be sworn, and provides instead that it include a certification by the elected official filing it that the information contained in the statement is true and correct to the best of his knowledge, information, and belief.

Effective January 1, 2019.

(Amends R.S. 42:1111(E)(2))

Port of New Orleans (Act 534)

Prior law provided an exception to the Code of Governmental Ethics for the Board of Commissioners of the Port of New Orleans (board) and required a member of the board to recuse himself from voting on matters which would otherwise violate the prohibited participation and prohibited contracts provisions of the ethics code. New law repeals the exception and the provision for recusal.

Prior law specifically authorized individuals who are employed in the maritime industry to serve on the board.

New law provides that members employed in the maritime industry and who are appointed prior to August 1, 2018, may serve on the board, subject to recusal provisions in effect on the date of the appointment of the member appointed prior to

August 1, 2018, and apply to the member for the term of that member.

New law provides that members appointed to the board on or after August 1, 2018, and employed in the maritime industry may serve subject to recusal provisions in Title 42.

Effective August 1, 2018.

(Amends R.S. 34:1(A)(3), R.S. 42:1112(D) and 1120.4(A); repeals R.S. 42:1120.1)

Ethics — Educational Junkets (Act 200)

Present law allows the acceptance by a public servant of complimentary admission to, lodging reasonably related to, and reasonable transportation to and from an educational or professional development seminar or conference held in any state of the United States or Canada, provided that various criteria are met.

New law repeals the exception in present law and provides instead for an exception to present law to allow a public servant to accept complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, provided the public servant's agency head certifies (1) that the public servant's acceptance is either of direct benefit to the agency or will enhance the knowledge or skill of the public servant as it relates to the performance of his public service and (2) that he approved the public servant's acceptance prior to acceptance. (The amendment apparently deletes the former requirements that the public servant be invited to attend by the sponsoring organization and that the sponsoring organization not be regulated by or do business with the public servant's agency.)

New law requires the public servant to file, within 60 days of acceptance, a certification with the Bd. of Ethics on a form designed by the board containing specified information and the required certification.

(Adds R.S. 42:1115.2; Repeals R.S. 42:1123(41))

Ethics — Speeches by Legislators (Act 182)

Present law prohibits a public servant from soliciting or accepting any thing of economic value as a gift or gratuity from any person if the public servant knows or should know that such person has or is seeking to obtain a business relationship with the public servant's agency or is seeking to influence the passage or defeat of legislation by the public servant's agency.

Present law provides an exception for members of the legislature, when making a public speech, to allow the acceptance of food, refreshments, and lodging reasonably related to making such speech, as well as reasonable transportation from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the U.S. or Canada and provided the legislator files an affidavit with the ethics board, within 60 days of making the speech, disclosing the name of the sponsoring group or organization and the amount expended on his behalf by the sponsoring group or organization on food and refreshments, lodging, and transportation.

New law removes the requirement for an affidavit, and provides instead for the filing of a statement that includes a certification by the legislator filing it that the information contained in the statement is true and correct to the best of his knowledge, information, and belief.

(Amends R.S. 42:1123(16)(a))

Ethics — Physicians and Hospitals (Act 588)

New law allows a licensed physician who is a member of a board of commissioners for any hospital service district located within a parish which has a population of 125,000 or less to be employed by the hospital over which the board exercises jurisdiction. New law requires the licensed physician to recuse himself from participating in any transaction before the board relating to his employment with the hospital.

(Amends R.S. 42:1123(18)(a))

Ethics — Mayoral Designees (Act 545)

Present law provides an exception to the Code of Governmental Ethics to allow the employment of a person by a board when the person has served as a member of the board as a designee of a mayor, but is not subject to confirmation nor confirmed by the council, of a municipality with a population of 300,000 or more according to the latest federal decennial census. New law removes the exception.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Repeals R.S. 42:1123(43))

Ethics — Pharmacists and Hospitals (Act 519)

New law provides that a licensed pharmacist who is a member of a board of commissioners for any hospital service district within a parish with a population of 125,000 or less may contract with the hospital over which the board exercises jurisdiction, and may subcontract with another provider who contracts with such hospital or pharmacy, or may own an interest in an entity that contracts with such hospital.

New law further provides that a licensed pharmacist must recuse himself from participating in any transaction before the board relating to any contracts entered into by him, or by a provider with which he subcontracts, or by any entity in which he owns an interest.

Effective August 1, 2018.

(Adds R.S. 42:1123(44))

Ethics — Parks and Recreational Facilities (Act 616)

New law provides an exception to allow a governing authority member or public employee of a political subdivision that operates parks or recreational facilities, or an immediate family member of such a person, to rent a park or recreation facility under the supervision or jurisdiction of the political subdivision for an event, provided that the transaction is conducted

without preference and in the same manner and subject to the same fees and conditions applicable to the general public.

(Adds R.S. 42:1123(44))

Ethics — Physicians at LDH (Act 463)

Present law prohibits a public employee from participating in a transaction involving his governmental entity when the public employee has or specified related persons have a substantial economic interest.

Present law generally prohibits a public employee from bidding on or entering into any contract, subcontract, or other transaction under the supervision or jurisdiction of his agency.

New law provides an exception to the Code of Governmental Ethics for a licensed La. physician who is employed by or has contracted with the La. Dept. of Health to serve in any of the following positions:

- (1) Assistant secretary for the office of public health.
- (2) Medicaid medical director.
- (3) Medical director of the office of behavioral health.
- (4) Physician, Eastern Louisiana Mental Health System, competency restoration program.
- (5) Cancer policy director.

New law provides that specified provisions of the code do not apply to the physician in the performance of the functions and duties of the position or to the practice of medicine by the physician outside of the performance of such functions and duties. New law provides an additional exception for the physician from provisions of the code but only to the extent the transaction with the agency (La. Dept. of Health) is limited to and necessary for the physician's medical care of patients.

New law provides that the code does not apply to a licensed La. physician who is employed by or has contracted with the La. Dept. of Health to serve in the position of physician, Eastern La. Mental Health System, competency restoration program.

New law provides that prior to being employed by or contracting with the La. Dept. of Health or an agency thereof to serve in a position listed in new law, a licensed La. physician shall disclose to the secretary of the La. Dept. of Health any possible conflicts of interest that could arise in performing the functions and duties of the position, including outside employment and business interests. New law provides that such disclosures shall be written and a public record.

New law specifies that the compensation paid by the La. Dept. of Health to each physician serving in the specified positions shall be commensurate with the number of hours worked in the position. New law requires each such physician, except a physician serving the Eastern La. Mental Health System, competency restoration program, to work full-time. New law requires the La. Dept. of Health to submit a quarterly report to the legislature containing the name of the physician, the position, the number of hours worked during the previous quarter, and the amount of compensation received during the previous quarter.

(Adds R.S. 42:1123.2)

Ethics — Financial Disclosure (Act 538)

Present law requires certain board and commission members to file a financial disclosure statement with the Board of Ethics by May 15 of each year during which the person holds the public office or position and the year following the termination of the holding of such office or position.

New law provides that for purposes of filing requirements, the term "board and commission" shall not mean any board or commission that is the governing authority of a special district established by Chapter 29 of Title 33 of the Louisiana Revised Statutes of 1950 or pursuant to

Chapter 30-A of Title 33 of the Louisiana Revised Statutes of 1950 for the purpose of improvement or beautification of the district or promoting and adding to the security of district residents, provided that the boundaries of the special district are not coterminous with the boundaries of a parish or municipality and provided that the board or commission does not have the authority to expend, disperse, or invest more than \$500,000 of funds in a fiscal year.

(Adds R.S. 42:1124.2.1(D)(1)(b)(vii))

Final Decisions and Orders of Board of Ethics (Act 418)

Prior law authorized the district court for the parish wherein the Board of Ethics is domiciled to convert a valid final decision or final order into a court order, upon receipt from the Board of Ethics of a rule to show cause for that purpose.

New law authorizes any court of competent jurisdiction to convert a valid final decision or final order into a court order, upon receipt from the Board of Ethics of a rule to show cause for that purpose.

Effective August 1, 2018.

(Amends R.S. 42:1135)

La. Deferred Compensation Commission (Act 615)

New law adds the speaker of the House of Representatives and the president of the Senate, or their designees, as members of the commission, and establishes that four members of the commission (out of seven) constitute a quorum.

(Amends R.S. 42:1301(4) and 1302(B))

Indemnity for Clerks of Court (Act 594)

Present law provides that the state shall not be liable for any damage caused by a clerk of court within the course and scope of his official duties, or damage caused by an employee of a clerk of court.

New law creates a limited exception on behalf of the clerk of court by providing that the state shall indemnify a clerk of court or any employee of his office against any claim, demand, or suit when the allegation is based on a challenge of the constitutional validity of a statute and when the clerk of court is acting in accordance with present law.

New law provides that payment of a final judgment or consent judgment against the clerk of court or his office shall be by legislative appropriation and also provides that payment of a final judgment or consent judgment, of any amount, against a clerk of court or his office shall not be made unless the payment is approved by a majority of members of a subcommittee of the Joint Legislative Committee on the Budget comprised of three members of the Senate and three members of the House designated by the chairman, and further provides that the subcommittee may meet in executive session to consider such agreements.

New law provides that the clerk of court, or the attorney general, if the attorney general assumed the defense of the claim, shall present the subcommittee with a concise abstract of the facts and principles of law upon which the claim is based. The abstract shall include a detailed analysis of the calculation of damages as well as attorney fees, court costs, and interest thereon.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1441)

TITLE 43: PUBLIC PRINTING AND ADVERTISEMENTS

TITLE 44: PUBLIC RECORDS AND RECORDERS

Public Records and State Fire Marshal (Act 357)

New law requires the office of state fire marshal to provide electronic access to its information

management system to the State Bd. of Architectural Examiners and the La. Professional Engineering and Land Surveying Bd. for the examination and reproduction of plans, drawings, and specifications submitted to the office of state fire marshal.

New law prohibits the State Bd. of Architectural Examiners and the La. Professional Engineering and Land Surveying Bd. from allowing examination or release of any documents obtained from the office of state fire marshal's information system to the public or other third party, including other state agencies.

New law provides that the office of state fire marshal shall not be held responsible or liable for any release of confidential, proprietary, or trade secret information by the State Bd. of Architectural Examiners or the La. Professional Engineering and Land Surveying Bd.

Effective August 1, 2018.

(Adds R.S. 44:3.2(G))

Public Record Exceptions for Department of Agriculture and Forestry (Act 408)

New law provides nothing in prior law will be construed to require the disclosure of records, or the information contained therein, held by the Department of Agriculture and Forestry which records are:

- (1) Held by the forestry officers and livestock brand inspectors pertaining to pending criminal litigation or any criminal litigation which can be reasonably anticipated, until such litigation has been finally adjudicated or otherwise settled.
- (2) Pertaining to the Medical Marijuana Program containing the internal procedures, security procedures, security plans, transportation plans, and proprietary information of a licensee.
- (3) Emergency Preparedness information specifically pertaining to the location of

emergency fuel and the identity of pets and pet owners during a declared emergency.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 44:3.5)

Architect Fitness Records (Act 76)

New law adds an exception to the Public Records Law for records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, memoranda, reports, examinations, or evaluations, or copies thereof, in the custody or control of the State Bd. of Architectural Examiners concerning the fitness of any person to receive or continue to hold a license or certificate of registration to practice architecture.

New law provides, however, that any such record may be released to the public in an administrative proceeding before the board and that any final determination made by the board relative to the fitness of any person to receive or continue to hold a license or certificate of registration to practice architecture and any legal grounds upon which such determination is based shall be a public record.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 44:4(55))

Personally Identifiable Information Held by Postsecondary Institutions (Act 512)

New law provides an exception to the public records laws for certain personally identifiable information in the custody or control of a postsecondary education institution or management board received in accordance with adopted, written policies applicable to the institution and the students and employees of the institution, unless access to the information is specifically required by other provisions of law of this state or by federal law or is ordered by a court under rules of discovery.

New law specifically exempts the personally identifiable information of any person who reports a violation of a student code of conduct or other policy intended for the safety of students or employees of a postsecondary education institution, personally identifiable information of any reported witness, and, if the reported violation involves violence or abuse, personally identifiable information of any person who may be the victim of the violence or abuse.

(Adds R.S. 44:4(55))

Confidentiality of Port Negotiations (Act 175)

New law provides that records in the custody of a port commission or port, harbor, and terminal district pertaining to an active negotiation with a person for the purpose of a proposed project involving the retention, expansion, or attraction of further economic development of the port which relate to or facilitate the transportation of goods in domestic or international commerce shall be confidential if such confidentiality is requested in writing detailing the reasons therefor and asserting that the negotiation is conditioned on such confidentiality and the chief executive officer (CEO) of the commission or district determines that disclosure of such records would have a detrimental effect on the negotiation and the reasons therefor.

New law requires publication in the commission's or district's official journal of a notice of such confidentiality no later than ten days after the determination of confidentiality.

New law provides that the commission's or district's expense records pertaining to the negotiation shall be public, except the CEO may redact information he determines would identify the person with whom the commission or district is negotiating and such information shall be confidential until negotiations are concluded.

New law provides that at the conclusion of the negotiation, all such records shall be subject to the Public Records Law.

New law limits the confidentiality of the negotiations to 12 months from the date of the

CEO's determination of confidentiality, but the confidentiality may be extended another 12 months if the negotiation remains active and the CEO again determines the disclosure would be detrimental to the negotiation and he provides notice in the official journal. New law limits confidentiality of the negotiations to no more than 24 months after the CEO's initial determination.

New law defines active negotiation as a negotiation that has commenced and has not concluded when the commission or district receives a request for information from a person concerning the project. New law provides that a negotiation is no longer active or is concluded when the commission or district or the person decides to no longer actively pursue the request for assistance or when a proposal affecting the negotiation is submitted to a public body for consideration in a public meeting, whichever occurs earlier.

New law does not apply to an application for license or permit or any record of negotiations concerning any hazardous waste or waste site.

New law provides that the confidentiality provisions in new law shall not be effective unless the party whose information is being held as confidential also maintains as confidential information provided to the party by the commission or district concerning the project.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 44:22.1)

Public Records Requests and Attorneys Fees (Act 394)

Present law provides that if a person seeking the right to inspect, copy, or reproduce a record or to receive or obtain a copy or reproduction of a public record prevails in such suit, he shall be awarded reasonable attorney fees and other costs of litigation. Present law provides that if such person prevails in part, the court may in its discretion award him reasonable attorney fees or an appropriate portion thereof.

Present law provides that an award for attorney fees shall not exceed the amounts approved by the attorney general for the employment of outside counsel. Present law further authorizes the court to award the requester civil penalties not to exceed \$100 per day, exclusive of Saturdays, Sundays, and legal public holidays, if the court finds that the custodian unreasonably or arbitrarily failed to respond to the request as required by present law.

New law adds that if a public body or official brings a suit against a person based on the person's request to inspect, copy, or reproduce a record, or to receive or obtain a copy or reproduction of a public record, and the person prevails in the suit, the person shall be awarded reasonable attorney fees and other costs of litigation. New law provides that if the person prevails in part, the court may in its discretion award the person reasonable attorney fees or an appropriate portion thereof.

(Amends R.S. 44:35(D))

TITLE 45: PUBLIC UTILITIES AND CARRIERS

Telephone Solicitations (Act 501)

Present law generally prohibits certain telephonic solicitations during a state of emergency as declared by the governor.

New law provides an exception to exclude "La.-based community blood centers with nonprofit status under Section 501(c)(3) of the Internal Revenue Code collecting voluntarily donated blood products for patient transfusion."

(Amends R.S. 45:844.31(B)(2))

TITLE 46: PUBLIC WELFARE AND ASSISTANCE

Confidentiality of Information Relating to Foster Children (Act 160)

Prior law provided that certain information regarding child welfare shall not be released to applicants, recipients, or outside sources. New

law provides for exceptions to allow certain information to be released when a former foster child or his legal tutor consent. New law adds a provider of treatment or services, or one who is reviewing past services, as a party authorized to receive information from a case record.

New law provides for the release of certain information for the purpose of education and training of foster youth and former foster youth, to the extent allowed by federal law, but prohibits the release of information that includes the identity of the birth parents or birth siblings or any information regarding the identity of the reporter in the case of abuse or neglect.

Effective upon signature of the governor (May 15, 2018).

(Amends R.S. 46:56(F)(intro para) and (7)(a); adds R.S. 46:56(F)(7)(c))

Medicaid Pharmaceutical and Therapeutics Committee (Act 644)

New law changes the membership appointment procedures for the committee.

Effective August 1, 2018.

(Amends R.S. 46:153.3(D)(1) and (2))

Medical Support for Children (Act 166)

Present law defines reasonable cost for the health insurance premium for a minor child as it relates to the gross income of the parent.

New law expands upon present law that the reasonable cost applies to adding a child to an existing policy, the cost of acquiring a separate policy, or the difference between a single and a family policy.

Present law requires a parent responsible for providing medical support to a minor child to provide private health insurance as soon as it is available at a reasonable cost.

New law allows a court to order a noncustodial parent to pay cash medical support when a minor

child has no healthcare coverage, is covered by public health insurance, or is covered by private health insurance but there remains a need for additional funds to cover the child's healthcare costs.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 46:236.1.1 and 46:236.1.2)

Child Support Enforcement (Act 194)

Present law authorizes the Dept. of Children and Family Services to obtain certain information for the purposes of child support enforcement. Present law authorizes DCFS to subpoena additional information from numerous sources.

New law adds the ability to access records of electronic communications and Internet service providers.

(Amends R.S. 46:236.15)

Workforce Training Pilot Initiative for Public Assistance Recipients (Act 271)

New law requires the executive director of the La. Workforce Commission, the secretary of the Dept. of Children and Family Services, the secretary of the La. Dept. of Health, the state superintendent of education, and the president of the La. Community and Technical College System, referred to collectively in proposed law as the "state partners", to collaborate to design and implement a workforce training and education pilot initiative for public assistance recipients.

New law requires the state partners to establish the pilot initiative to operate and serve participants in certain specified regions.

New law provides that, if agreed to by the head of each state partner, the partners may expand the geographic service area of the pilot initiative beyond the regions specified above.

New law stipulates that participation in the pilot initiative shall be strictly voluntary.

New law provides that work supports and workforce education services provided by the pilot initiative may include, without limitation, job referral services, job skills development, job support services, career planning, job training, workforce readiness, and apprenticeship programs.

New law requires the state partners to submit annual reports providing a summary and evaluation of the pilot initiative's outcomes to the legislative committees on labor and industrial relations and to the legislative committees on health and welfare.

(Adds R.S. 46:351-356)

Advisory Board of La. State Archives (Act 436)

New law creates the Advisory Bd. of the La. State Archives and places it within the Dept. of State. New law provides for the membership and officers of the board and provides for the powers, duties, functions, and responsibilities of the board, which include advising the secretary of state on operations and activities of the state archives.

(Adds R.S. 36:744(DD) and R.S. 44:428)

Medicaid Fraud Task Force (Act 294)

Present law creates a task force on coordination of Medicaid fraud detection and prevention initiatives within the office of the legislative auditor and provides for purposes and duties of the task force. The provisions of present law terminate on August 1, 2018.

New law extends the termination date to August 1, 2019.

(Amends R.S. 46:440.8)

Medicaid Managed Care Organizations (Act 489)

New law requires each Medicaid managed care organization (MCO) to comply with the following notice provisions regarding contracted

provider status and ability to begin providing services and submitting claims for reimbursement:

- (1) Requires each MCO that contracts with or enrolls a provider into its provider network to furnish written notice to the provider that informs the provider of the effective date of the contract and enrollment.
- (2) Unless otherwise authorized, each provider is prohibited from submitting Medicaid reimbursement claims for any services provided prior to the effective date indicated in the written notice.
- (3) The written notice is to be sent to the last mailing address and last email address submitted by the provider.

New law requires MCOs to comply with the following notice provisions regarding contracted provider re-credentialing:

- (1) Provide a minimum of three written notices to a contracted provider with information regarding the re-credentialing process, including requirements and deadlines for compliance. New law requires the first notice to be issued no later than six months prior to the expiration of the provider's current credentialing and the notice is to include the effective termination date if the provider fails to meet the requirements and deadlines of the re-credentialing process.
- (2) Notice to be sent to the last mailing address and last email address submitted by the provider.
- (3) Provides that upon failure of a provider to timely submit all required documents and meet all re-credentialing requirements, the MCO is to send a termination notice to the provider with an effective date of termination to be 15 days after the date of the notice. New law requires that the managed care

organization is responsible for paying any claims for services delivered prior to the termination date.

New law provides for termination and removal from a provider network for reasons other than failure to comply with re-credentialing process and for written notice to be sent by certified mail to the last known mailing address submitted by the provider. New law provides for termination 15 days from date of the notice, and for immediate termination due to loss of the required license or other certain circumstances specified in new law.

New law requires each MCO to be responsible for ensuring that any provider it contracts with or enrolls into its network has attained and satisfies all Medicaid provider enrollment, credentialing, and accreditation requirements and all other applicable state or federal requirements in order to receive reimbursement for providing services to Medicaid recipients.

New law provides that if the MCO fails to ensure proper compliance with Medicaid provider enrollment, credentialing, or accreditation requirements, then it is liable for reimbursement to the provider for any services rendered to Medicaid recipients until such time as the deficiency is identified and notice sent to the provider.

New law provides that reimbursement for any services provided during the 15 day remedy period after notice of the deficiency was identified, or during a longer period if allowed by the department, shall be withheld if the provider elects to continue providing services while the deficiency is under review.

New law provides that if the deficiency is remedied, the organization shall remit payment to the provider and if the deficiency is not remedied, then the MCO may recoup funds from the provider.

New law provides that if a provider cannot remedy the deficiency within 15 days and believes that the deficiency was caused by good faith reliance on misinformation by the MCO,

and the provider asserts that he acted without fault or fraudulent intent, the provider may seek departmental review if he believes there is no deficiency or that because of his reliance on misinformation from the MCO, he cannot remedy the deficiency within 15 days.

New law provides for exceptions to allow reasonable time to come into compliance so as to not disrupt patient care.

New law requires that the provider prove absence of fault or fraudulent intent by producing guidance, applications, or other written communication from the managed care organization that bears incorrect information, including whether the misinformation or guidance was contradictory to applicable Medicaid manuals, rules, or policies.

New law requires the department to review all materials and information to render a written decision within 30 days of the date of receipt for a review. New law authorizes the imposition of penalties on the MCO.

New law provides for immediate termination of a provider's contract if the department's decision is not in favor of the provider. New law provides that the written decision by the department is the final administrative decision and no appeal or judicial review shall lie from this final administrative decision.

New law provides that each MCO is responsible for mitigating fraud, waste, and abuse of the funds it receives in the form of per-member per-month rates for the provision of services to its plan enrollees.

New law provides that failure of the MCO to execute the provisions of their responsibility to mitigate fraud, waste, and abuse shall not be considered a risk of the MCO for purposes of calculating per-member per-month rates and all claims associated with fraud, waste, and abuse shall be voided. Voided claims shall not be used for purposes of rate setting or by the MCO to seek an increase in rates or payments. New law provides that the MCO is not precluded from

recouping and retaining improper payments and overpayments to a provider.

New law provides that in addition to its responsibility to void all claims and encounters associated with fraud, waste, and abuse of payments made to a provider, the department may impose penalties on the MCO.

New law provides for liability of the MCO to the department for any other costs, expenses, claims, or reimbursement incurred or expended by the department due to the provider's fault or fraudulent intent.

New law requires that each MCO report every instance of suspected fraud, waste, or abuse to the department and the attorney general, and authorizes the attorney general to investigate, enforce, impose sanctions upon, and seek recoveries from any MCO pursuant new law and the Medical Assistance Program Integrity Law.

New law requires that any recoupments be returned to the department and that all other sanctions, penalties, civil monetary penalties, and additional recoveries or costs of investigations obtained by the attorney general shall be deposited into the Medical Assistance Programs Fraud Detection Fund.

New law provides that no MCO or any officer, director, employee, representative, or agent of the MCO shall have any liability to the provider or any other person for reporting any suspected fraud to the department or to the attorney general.

New law does not prevent the department or the attorney general from enforcing and imposing penalties otherwise provided by law or regulation, nor does it supersede or conflict with provisions regarding interim credentialing.

New law is subject to approval by the Centers for Medicare and Medicaid Services.

Effective August 1, 2018.

(Adds R.S. 46:460.72 and 460.73)

Review of Dental Medicaid Claims (Act 284)

Present law establishes a process for independent reviews of claims of healthcare providers, other than dental providers, submitted to Medicaid managed care organizations. New law establishes a process for independent reviews of claims of dental providers submitted to a dental coordinated care network.

New law defines "dental coordinated care network" as a Medicaid managed care organization or prepaid coordinated care network, as defined in present law, that provides or administers only dental benefits for Medicaid recipients.

New law creates the Dental Claims Review Panel within the La. Dept. of Health (LDH), and provides that the duties of the Panel shall pertain to the independent review of dental claims.

New law provides for the Panel's membership, voting rules, and duties.

New law requires the secretary of LDH to report to the panel the name of any provider who submits 10 or more requests for independent review, along with the percentage of adverse determinations that are overturned. New law provides a detailed procedure to govern the process for independent review of an adverse determination taken against a dentist by a dental coordinated care network.

New law provides that, upon rendering a decision, the independent reviewer shall send to the dental coordinated care network, the dentist, and LDH a copy of the decision. Once the independent reviewer renders a decision requiring a dental coordinated care network to pay any claim or portion of a claim, then the network shall send the payment in full, along with interest back to the date the claim was originally denied or recouped, to the dentist within 20 calendar days of the date of the reviewer's decision.

New law provides that fees paid by dental coordinated care networks for independent dental claim reviews conducted in accordance with new

law shall be in an amount established in a contract or memorandum of understanding between LDH and the LSU School of Dentistry. New law provides that such fees shall be paid to the LSU School of Dentistry.

(Amends R.S. 46:460.82, 460.84, and 460.85; Adds R.S. 46:460.51(14), 460.85.1, and 460.90; Repeals R.S. 46:460.89)

Medicaid Managed Care (Act 710)

New law requires the La. Dept. of Health (LDH), on or before Oct. 1, 2018, and on a quarterly basis thereafter, to produce and submit to the Joint Legislative Committee on the Budget and the House and Senate committees on health and welfare a report concerning the Medicaid managed care program, to be entitled the "Healthy Louisiana Quarterly Report".

New law requires that the report to include the specified data on healthcare provider claims delineated by individual Medicaid managed care organization and separated by provider type.

New law requires that LDH report the data specified in new law separately for the following provider groups: behavioral health providers, and all other providers, collectively.

New law requires that the report feature a narrative which includes, at minimum, the action steps which LDH plans to take in order to address certain specified issues.

New law requires that the report include specified data relating to encounter claims.

New law requires that the report include specified information relating to case management delineated by Medicaid managed care organization.

(Adds R.S. 46:460.91)

La. Historical Records Advisory Board (Act 85)

New law provides for the composition of the board, and for its meetings.

New law provides the Dept. of State shall provide support staff, facilities, and resources to the board, and that the board shall comply with the national commission's Manual of Suggested Practices, and lists the duties of the board.

New law provides that the secretary of state, or his designee, shall serve as the state historical records coordinator for the board with various listed duties.

New law further provides that the director of state archives or his designee shall act as the deputy state historical records coordinator for the board and shall assist the state historical records coordinator in executing the state historical records coordinator's duties and shall serve as the acting state historical records coordinator at the state historical records coordinator's discretion.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 36:744(D); Adds R.S. 44:501-503)

Vermillion Parish Hospital Service District No. 2 (Act 52)

New law increases to \$125 the maximum per diem payable to each member of the board of commissioners of Vermilion Parish Hospital Service District No. 2 for attendance at meetings of the commission.

(Amends R.S. 46:1053(L)(2))

Parish Hospital Service District (Act 153)

New law authorizes the governing authority of a parish having a population in excess of 20,800 but not more than 22,000 persons based on the latest federal decennial census to appoint a physician who is an active member of the hospital medical staff of the district to the board of commissioners for a parish hospital service district.

New law requires that the physician appointed shall be designated as the physician member of the board of commissioners.

Effective upon signature of the governor (May 15, 2018).

(Adds R.S. 46:1053(FF))

Vermillion Parish Hospital Service District No. 3 (Act 94)

New law authorizes the governing authority of Vermillion Parish to pay members of the governing board of Vermillion Parish Hospital Service District No. 3 a per diem not to exceed \$125 per meeting.

(Adds R.S. 46:1053(C)(2)(i))

Foster Children (Act 649)

New law provides that, in the event funds are made available, a person in foster care and the person's foster parents shall continue to receive all benefits and services of the foster care program after the person's 18th birthday, if the person is a full-time high school student or in the process of receiving an equivalent credential, until the person's high school graduation or 21st birthday, whichever comes first.

Prior law provided that a child residing in a residential home may stay at that home until his 21st birthday to complete any educational course he has begun while a resident of the facility. New law adds authorization that a child housed in a residential home or in foster care may stay at such home or in foster care until his 21st birthday to complete any educational course that he began while a resident of the facility.

New law provides that acceptance of these benefits shall not deprive the person in foster care of any rights or obligations conferred by attaining the age of majority.

New law specifies that the benefits and services provided shall not impose any obligation of reimbursement on the recipients.

New law specifies that the Dept. of Children and Family Services shall notify all foster children and their foster parents or other custodians in writing of the availability of these benefits and

services upon the child's 17th birthday, and every 90 days thereafter until the child's 18th birthday, unless the foster child and foster parents or other custodians have already consented in writing to participate.

Effective upon signature of governor (June 1, 2018).

(Amends R.S. 46:1403.1; adds R.S. 46:286.24)

Privacy of Certain Victims (Act 309)

New law prohibits the disclosure of contact information for victims of sex crimes, human trafficking, and for juvenile victims.

New law prohibits the disclosure of identity and contact information for victims of domestic violence and abuse.

(Amends R.S. 46:1844 and R.S. 44:3(J))

Court-Ordered Mental Health Evaluations (Act 697)

Present law provides that a court may grant a protective order or approve a consent agreement to bring about the cessation of domestic abuse. Present law provides that when granting the protective order, the court may order a medical opinion regarding a medical evaluation of the defendant or the abused person, or both, to be conducted by an independent court-appointed evaluator.

New law removes the court's authority to order a medical opinion regarding a medical evaluation of the abused person.

New law authorizes the court to order a mental health evaluation of the perpetrator, subject to the same provisions of law relative to the medical evaluation.

(Amends R.S. 46:2136(A)(4))

Sexual Assault Protection Orders (Act 433)

Present law allows district courts empowered to hear civil matters to have jurisdiction over

proceedings related to sexual assault protection orders.

New law requires that proceedings related to sexual assault protection orders be heard in courts empowered to hear family or juvenile matters.

(Amends R.S. 46:2185(A))

Native American Commission (Act 102)

New law provides for the creation of the commission within the Governor's Office of Indian Affairs, and provides that the commission shall serve in an advisory capacity to the Governor's Office of Indian Affairs.

New law provides that the commission shall perform various duties, including:

- (1) Advise the Office of Indian Affairs regarding issues pertaining to Native Americans.
- (2) Establish criteria for state tribe recognition and recommend such criteria to the Office of Indian Affairs and legislature for adoption and implementation.
- (3) Promote Native American culture, awareness, and education across the state.
- (4) Conduct a comprehensive review of all state departments and agencies to identify obstacles to the effective delivery of governmental services to Native Americans, propose methods for removing those obstacles, and submit such proposals to the appropriate governmental entity.

New law provides for the commission's membership, officer, meetings, and authority.

(Adds R.S. 46:2305)

Ambulance Service Provider Assessments (Act 272)

Present law provides that the La. Dept. of Health shall assess each emergency ground service provider a percentage fee. Present law provides that the maximum fee allowable in any year shall not exceed 3.5% of the annual net operating revenue of the emergency ground ambulance service provider.

New law provides that the maximum fee allowable in any year shall not exceed the percentage of net patient service revenues permitted by federal regulation pursuant to 42 CFR 433.68 as determined by the department.

Old law required the La. Dept. of Health to publish in the official state journal the total amount of the fee assessment and the corresponding applicable percentage of net operating revenue that will be applied to assess the emergency ground service providers. New law repeals this requirement.

(Amends R.S. 46:2626(F)(5); Repeals R.S. 46:2626(F)(6))

Traumatic Head and Spinal Cord Injury Trust Fund (Act 424)

Present law establishes the Traumatic Head and Spinal Cord Injury Trust Fund to provide citizens who survive traumatic head or spinal cord injuries a source of funds for services enabling them to return to a reasonable level of functioning and independent living.

Prior law provided that money in the fund be distributed as a source of last resort after the use of all available private and governmental funds.

New law requires the fund be used as a fund of last resort after Medicare and Medicaid sources have been exhausted.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 46:2635(A))

Juvenile Justice Reform Act Implementation Commission (Act 179)

New law adds a representative of the Families and Friends of Louisiana's Incarcerated Children to the membership of the Juvenile Justice Reform Act Implementation Commission.

(Adds R.S. 46:2751(B)(1)(h))

TITLE 47: REVENUE AND TAXATION

Income Tax Credits for Taxes Paid to Other States (Act 6 of Second Extraordinary Session)

Present law authorizes an individual income tax credit in an amount equal to income taxes paid for the same taxable period to another state on income that is subject to La. tax if the other state authorizes a similar credit.

Present law authorizes a credit for three years in an amount of the lesser of the actual amount of tax paid to the other state or the amount of La. income tax that would have been imposed if the income had been earned in La.

Present law provides for termination (sunset) in three years of those provisions of present law that require the state to which income taxes were paid to authorize a similar credit and that the credit amount be the lesser of the actual amount of tax paid to the other state or the amount of La. income tax that would have been imposed if the income had been earned in La.

New law extends the provisions of present law through June 30, 2023.

New law prohibits the credit for tax paid on income that is not subject to tax in this state.

New law provides that the amount of the credit shall not exceed the ratio of La. income tax liability before consideration of certain credits authorized in present law determined by a fraction, the numerator of which is the taxpayer's La. tax table income attributable to other states to which net income taxes were paid by a resident individual, and the denominator of which is total La. tax table income.

New law provides that for taxes paid on or after Jan. 1, 2018, an individual partner, member, or shareholder who pays another state's entity level tax that does not have a capital component shall be allowed a deduction of their proportionate share of the entity level tax paid.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:33(A)(5) and §4 of Act No. 109 of 2015 R.S.; Adds R.S. 47:33(A)(7)

Coalition Against Domestic Violence Fund (Act 38)

New law establishes the La. Coalition Against Domestic Violence Fund (hereinafter "fund") as a special escrow fund in the state treasury, which is established to receive deposits related to donations made on tax returns for the benefit of the La. Coalition Against Domestic Violence, and shall be administered by the treasurer. New law requires that the treasurer remit the balance of monies in the fund every three months to the La. Coalition Against Domestic Violence to be used for the education of women who are victims of domestic violence.

Applicable to taxable years beginning on or after Jan. 1, 2018.

Effective August 1, 2018.

(Adds R.S. 47:120.341; repeals R.S. 47:120.181)

Sales and Use Taxes (Act 1 of Third Extraordinary Session)

Old law imposed a 1% state sales and use tax on the sale, use, consumption, storage, or lease of tangible personal property and certain services in La. The imposition of the tax expired on June 30, 2018.

New law reduces the rate of the temporary state sales and use tax levy from 1% to 0.45 of 1%, and extends the sunset of the tax levy from 2018 to 2025.

Present law suspends numerous exemptions from the four levies of state sales and use tax (R.S. 47:302, 321, 321.1, and 331) for two different periods of time, both occurring between April 1, 2016, and June 30, 2018.

Present law provides that the suspension of certain exemptions for purposes of the tax levies in R.S. 47:321 and 331 expired June 30, 2016. The suspension with respect to the tax levies in R.S. 47:302 and 321.1 remains effective through June 30, 2018.

New law establishes that on and after July 1, 2018 through June 30, 2025, only 109 specified exemptions shall be applicable to all state sales and use tax levies.

New law provides that the exemptions for the sales and use of steam, water, electric power or energy, natural gas, or other energy sources as provided in R.S. 47:305(D)(1)(b), (c), (d), (g), and (h) with respect to all taxpayers shall be applicable to the taxes levied under R.S. 47:321, 321.1, and 331.

Effective July 1, 2018.

(Amends R.S. 47:301, 302; Repeals Act No. 395 of the 2017 R.S.)

Definition of "Federal Income Tax Liability" (Act 1 of First Extraordinary Session)

Old law defined "federal income tax liability", for purposes of the individual income tax, as the total amount of tax due to the U.S. for the taxable period on the individual income tax return required to be filed by any taxpayer, excluding social security and self-employment taxes, increased by federal income tax credits determined by the secretary to be disaster relief credits.

Old law prohibited federal income tax rebates and credits received by a taxpayer for the 2008 tax year in accordance with federal law from reducing "federal income tax liability."

New law retains old law but requires that for taxable periods beginning after Dec. 31, 2015,

and before Jan. 1, 2018, that "federal income tax liability" be increased by the amount to which an individual's federal income tax due to the U.S. for the taxable period was decreased as a result of claiming the federal standard deduction or federal itemized deduction for certain net disaster losses as provided in federal law.

Provisions of new law shall be retroactive and shall be applicable to tax years beginning Jan. 1, 2016, but before Jan. 1, 2018.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 47:293(4)(d))

Direct Pay of Sales Taxes (Act 250)

Prior law authorized purchasers that have average annual purchases for a three-year period of \$5 million to apply for direct pay (DP) numbers allowing the purchaser to make all purchases without remitting the sales and use tax to their vendors and allowing the purchaser to report and pay the tax due directly to the Department of Revenue and local tax collection authorities.

New law retains prior law and authorizes taxpayers that are subsidiary entities of a private, nonprofit, tax-exempt organization, including entities in which the tax-exempt organization is the sole member, provided that these entities are licensed by the La. Dept of Health, La. Board of Pharmacy, or otherwise have as their mission promoting the delivery of healthcare and patient medical services and products and further provided that these entities and the tax exempt organization together have in the aggregate an annual average of \$10 million of taxable purchases or leases of tangible personal property and taxable services for three calendar years prior to year of application, and have such an average for each subsequent three-year period.

Effective July 1, 2018.

(Amends R.S. 47:303.1(B)(2), (C), (D), and (F))

Tangipahoa Hotel Tax (Act 446)

New law changes the dedication of a portion of the state sales tax on hotel rooms in Tangipahoa Parish from the Tangipahoa Parish Tourist Commission Fund to the Tangipahoa Parish Economic Development Fund.

Effective on July 1, 2018.

(Amends R.S. 47:322.5(B) and 332.14)

Tax Collection and Appeal Procedures (Act 143)

New law requires that a dealer has an obligation to use reasonable means to notify and provide a collector with accurate and updated information pertaining to its proper address and the names and contact information for those officers or directors, or members, or managers, having direct control or supervision over its local sales and use taxes and those charged with the responsibility of filing a dealer's sales and use tax return with the collector.

New law provides that this is a continuing obligation and requires the dealer to notify the collector of any changes, additions, or deletions within thirty calendar days of any change.

New law provides that an action to enforce collection may be brought before the Board of Tax Appeals or any court of competent jurisdiction.

New law authorizes the collector to elect to send a notice of assessment to a taxpayer or dealer by regular mail containing the same information as sent by certified mail. If the regular mailing is on the same day as the mailing by certified mail, then the notice transmitted by regular mail is deemed to be received by the taxpayer or dealer on the earlier date indicated by the U.S. Postal Service of the first attempted delivery or on the seventh business day from the date of mailing. If the collector, in his sole discretion, does not send the copy of the notice of assessment by regular mail, the absence of transmitting the notice by regular mail shall not be used to establish that a notice of assessment was either not mailed or not received.

If the collector, in his sole discretion, sends the copy of the notice of assessment, then the transmittal of the notice shall have no impact on the time within which the amount of the assessment is required to be paid or paid under protest, or the time within which the assessment becomes final, or the time within which an appeal may be made to the Board of Tax Appeals.

Prior law authorized a taxpayer to file with the court a rule to set bond or other security which shall set a hearing within 30 days of the filing to set bond or other security. New law allows the taxpayer to file this rule with the Board of Tax Appeals.

Prior law authorized the court to either (i) order posting a commercial bond or other security in an amount determined not to be less than the amount of unpaid taxes, interest, and penalties demanded in the assessment or (ii) order the taxpayer to make payment under protest. New law provides that the amount determined by the court be a reasonable security for the amount of unpaid taxes, interest, and penalties.

New law authorizes the Board of Tax Appeals to order the posting of commercial bond or other security in an amount to be determined by the board to be reasonable security for the amount of unpaid taxes, interest, and penalties demanded in the assessment, or may order the taxpayer to make a payment under protest of a reasonable security considering the amount of unpaid taxes, interest, and penalties.

Prior law provided that if the taxpayer timely files suit, then no action may be taken in connection with assessment of taxes, interest, and penalties unless the taxpayer fails to post bond or other security or make payment under protest. New law authorizes the collector to procure an appraisal or conduct discovery concerning the value and validity of the security offered prior to the date for filing his response or opposition to the rule set for hearing.

New law provides that in lieu of dismissal of the taxpayer's appeal in instances where a taxpayer has filed a timely appeal to the Board of Tax Appeals for redetermination of the assessment in

the manner authorized by law following a contradictory hearing on a rule requested by any party, the Board of Tax Appeals may order the payment of bond, other security, or full or partial payment under protest, as provided in new law.

New law authorizes a refund on an amount paid on an otherwise final assessment if the taxpayer or dealer establishes that it did not receive the assessment prior to the deadline for appealing the assessment and the collector did not comply with provisions in new law. New law does not apply if the assessment becomes final following an appeal to the Board of Tax Appeals or if the assessment becomes final after judgment.

New law requires that two of the three members of the Board of Tax Appeals be certified as a Tax Law Specialist by the Louisiana Board of Legal Specialization or possess a Masters of Laws in Taxation or Tax Law.

New law authorizes the Local Tax Division of the Board of Tax Appeals to coordinate with the Uniform Local Sales Tax Board concerning the creation of an electronic filing platform, and the Local Tax Division and the use of local funds dedicated to the operations of the Local Tax Division shall not be subject to the provisions concerning the office of technological services or information technology procurement services.

Certain new law provisions are not applicable to any existing assessment issued by any collector or the secretary prior to July 1, 2018, nor shall these provisions be applicable to any pending litigation in the courts or the Board of Tax Appeals existing prior to the effective date of new law.

Effective upon signature of the governor (May 11, 2018).

(Amends R.S. 47:337.64, 1401, 1402, 1403, 1434, 1436, 1436; adds R.S. 47:337.29(C), 337.46(C), 337.51(D), 337.77(H), 1565(D), and 1621(J); repeals R.S. 47:337.51(B)(4))

Scott Sales Tax Increase (Act 34)

New law authorizes the city of Scott, subject to voter approval, to levy an additional sales and use tax not to exceed 1%.

New law provides that two-thirds of the proceeds of the tax shall be used for emergency services provided by the fire and police departments and one-third of the proceeds shall be used for parks and recreations, cultural district, economic development, drainage, roads, and bridges.

New law provides ballot proposition language.

Effective upon signature of governor (May 10, 2018).

(Adds R.S. 47:338.24.5)

Lafourche Parish Sales Tax (Act 539)

Local ordinance in Lafourche Parish, which received voter approval in 1986, provides for levy and collection of 1% sales tax in Sales Tax District No. 4 of Lafourche Parish. Subsequent ordinance, effective Nov. 1, 1996, lowered the tax rate from 1% to 7/10%.

New law provides that the sales tax district may again, subject to voter approval, levy the full 1% tax. New law provides that the additional tax may exceed the combined rate limit and shall not affect previously granted taxing authority of any other local government entity.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 47:338.54.1)

Gonzales Hotel Occupancy Tax (Act 266)

New law authorizes the governing authority of the city of Gonzales to levy and collect a hotel occupancy tax at a rate not to exceed 2%, subject to voter approval.

Effective July 1, 2018.

(Adds R.S. 47:338.217)

Calcasieu Parish Hotel Occupancy Tax (Act 608)

New law authorizes the Southwest La. Convention and Visitors Bureau to levy and collect a hotel occupancy tax of 1% within Calcasieu Parish.

New law authorizes the governing authority to collect the tax or to contract for its collection with the state or any public entity authorized to collect sales and use taxes.

Effective upon signature of the governor (May 30, 2018).

(Adds R.S. 47:338.219)

Parish Hotel Occupancy Tax (Act 609)

New law authorizes a parish tourist commission with geographic boundaries that are coterminous with a parish that has a population of not less than 65,000 nor more than 80,000 persons to levy a hotel occupancy tax of up to 5-1/2% of the rent or fee for the room.

New law allows the parish tourist commission to levy the occupancy tax after adoption of a resolution or ordinance by majority vote of the members of the board of commissioners of the authority and after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the parish.

New law authorizes the parish tourist commission to contract with a certain public entity for the collection of the tax and to pay a collection fee from the proceeds of the tax.

Effective July 1, 2018.

(Adds R.S. 47:338.264)

Sales Tax and Remote Sellers (Act 5 of Second Extraordinary Session)

Present law defines "dealer" for purposes of state and local sales and use taxes as a person who manufactures or produces tangible personal property for sale at retail, for use or consumption,

or distribution, or for storage to be used or consumed in a taxing jurisdiction.

New law retains present law and further defines "dealer" as a person who does not have a physical presence in the state and who sells for delivery into La. tangible personal property, products transferred electronically, or services, if either:

- (1) The person's gross revenue from sales in La. exceeds \$100,000; or
- (2) The person engaged in 200 or more separate transactions in La.

New law provides that a person may voluntarily register as a dealer for purposes of collecting the additional sales tax regardless of their revenue or number of sales.

New law adds final rulings by the U. S. Supreme Court as a source of authority by which states may be authorized to require remote sellers to collect and remit sales and use taxes.

(Amends R.S. 47:339; Adds R.S. 47:301(4)(m))

Sale of Used Tires (Act 511)

New law prohibits the issuance of an occupational license to any applicant who intends to sell used tires, unless the applicant submits the necessary permits from the Dept. of Environmental Quality along with his application.

(Adds R.S. 47:350(E))

Prestige License Plates (Act 346)

Present law requires that special prestige license plates issued in accordance with R.S. 47:463.6 et seq. contain the uniform alpha-numeric series accompanied by a symbol or emblem representing the organization requesting such plate.

New law adds that, on and after January 1, 2019, any available special prestige license plate may additionally bear the international symbol of accessibility, upon request and if the applicant is

eligible in accordance with the provisions of R.S. 47:463.4.

New law creates the "Upside Down" special prestige license plate.

Effective January 1, 2019.

(Amends R.S. 47:463; adds R.S. 47:463.4.4 and 463.196)

Prestige License Plates (Acts 70, 71, 78, 81, 82, 246, 256, 283, 287, 389, and 551)

New laws create various special prestige license plates.

(Adds R.S. 47:463.47.1)

Franchise Tax Deadline (Act 86)

Present law requires every corporation or other entity subject to the franchise tax to pay an initial tax of \$110 in the first accounting period in which the entity becomes subject to the tax. Old law provided that the tax is first due immediately on the corporation's becoming taxable and is payable on or before the 15th day of the third month after the month in which the tax is due.

New law changes the deadline in which the tax is payable to on or before the 15th day of the fourth month after the month in which the tax is due.

Applicable to all corporate franchise tax years beginning on and after Jan. 1, 2019.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:611(A))

(Act 2 of First Extraordinary Session)

Old law levied a tax of 4.5¢ per month on residential and business customer telephone access lines of local exchange companies operating in La. Present law exempts wireless devices used only for data purposes and prepaid wireless devices from the tax.

New law increases the amount of the tax from 4.5¢ per month to 5¢ per month.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:1061(A)(1))

Tax Information and Medicaid Eligibility (Act 648)

New law authorizes the secretary of the Department of Revenue to also furnish taxpayer information to the Department of Health's Medicaid fraud unit as necessary for the purposes of verification of eligibility for Medicaid.

Effective upon the signature of the governor (June 1, 2018).

(Amends R.S. 47:1508(B)(33))

Interagency Disclosure (Act 339)

New law allows the secretary for the Dept. of Revenue (DOR) to disclose taxpayer names and addresses to the Dept. of the Treasury solely for purposes of the state treasurer's office carrying out its function pursuant to the Uniform Unclaimed Property Act.

New law prohibits DOR from disclosing tax data to the Dept. of the Treasury and requires that any information furnished be considered and held confidential and privileged by the treasurer.

(Adds R.S. 47:1508((B)(42))

Tax Exemption Budget (Act 667)

New law provides that the LaTrac website, or any subsequent database that may replace the LaTrac system, shall include reports of all revenues, exemptions, credits, exclusions, refunds, preferential tax rates, deferred tax liability, and rebates, all as contained in the tax exemption budget.

New law provides that the tax annual exemption budget shall also include the following:

- (1) The number of businesses which receive each tax exemption, credit, exclusion, refund, preferential tax rate, deferred tax liability, or rebate (the "exemption").
- (2) The parish or location of each business which receives a tax exemption; provided, that if fewer than 10 businesses receive a particular tax exemption, the tax exemption budget may group such tax exemption with another tax exemption which also has fewer than 10 businesses receiving same.
- (3) The information shall be displayed in a manner that identifies:
 - (a) The industry group by North American Industry Classification System sector.
 - (b) The number of taxpayers by industry.
 - (c) The total tax burden by industry group by individual tax before the exemption.
 - (d) The total value to each industry group for each exemption.
 - (e) The total tax value by each industry group by individual tax of the tax collections after the exemption.

New law provides that the additional items to be published in the tax exemption budget shall be published to the extent that the information is available to the department and on a schedule to be determined by the secretary of the department beginning with the incentive expenditures and fully implemented by the date of publication of the Fiscal Year 2018-2019 tax exemption budget on or before March 1, 2020.

New law provides that the secretary shall ensure that the publication shall not include confidential information.

Effective August 1, 2018.

(Amends R.S. 47:1517; adds R.S. 39:6(C)(3))

Tax Subsidy Reporting (Act 87)

Present law requires the Dept. of Revenue and other agencies to report on state revenue loss caused by each tax exemption, deduction, exclusion, and credit authorized by law.

Old law required the annual report from the Dept. of Revenue and all agencies that administer tax credits and rebates to be submitted to the legislature no later than March 1st each year.

New law changes the date from March 1st each year to April 1st each year.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:1517.1(B)(intro. para))

Disallowed Rebates and Refunds (Act 370)

Prior law provided for the procedure for the secretary of the Department of Revenue to collect rebates or refundable tax credits previously granted to a taxpayer, but later disallowed.

New law makes all tax benefits, including nonrefundable tax credits, subject to the same procedure for the collection of disallowed rebates or refundable tax credits.

Effective August 1, 2018.

(Adds R.S. 47:1561.3)

Tax Return Preparers (Act 526)

New law authorizes the secretary of the Dept. of Revenue (DOR) to file suit to enjoin a preparer from further engaging in any prohibited conduct.

New law establishes the following list of prohibited conduct for preparers:

- (1) Preparation of any return or claim for refund that includes a substantial understatement of a taxpayer's liability due to a frivolous or fraudulent position.

- (2) Preparation of any return or claim for refund that includes an understatement of a taxpayer's liability due to willful or reckless conduct.
- (3) Negotiation of a check issued to a taxpayer by the DOR without the permission of the taxpayer.
- (4) Engagement in any conduct subject to any criminal penalty provided by Title 47 of the La. Revised Statutes of 1950.
- (5) Engagement in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the tax laws of the state.

New law defines a "substantial understatement" as the understatement of the amount of tax payable, or the overstatement of the amount of tax creditable or refundable, that exceeds the greater of 10% of the tax required to be shown for the taxable period on the return or \$1,000.

New law defines "frivolous position" as any position that is knowingly advanced in bad faith, is patently improper, reflects a desire to delay or impede the administration of state tax laws by using unreasonable, baseless, unsubstantiated or questionable facts, or is identified by the Internal Revenue Service (IRS) as frivolous.

New law defines "fraudulent position" as any position taken with the intent to evade taxes or that is a willful attempt to defraud or evade taxes that are due.

New law authorizes a court to enjoin a preparer from preparing any return, report, claim for refund, or other claim if the court finds a preparer has engaged in any listed conduct and that an injunction prohibiting the conduct will not be sufficient to prevent the preparer from interfering with the administration of the state's tax laws.

New law provides that suspension from practice before the IRS or another state establishes a prima facie case for a court to enjoin a paid preparer from preparing tax returns in La.

New law defines a "preparer" as any of the following:

- (1) Any person who prepares any return, report, claim for refund or other claim that is filed with the secretary of the DOR.
- (2) Any person who owns or operates a business, the primary activity of which is the preparation of any return, report, claim for refund, or other claim that is filed with the secretary of the DOR, and employs one or more persons in such business.
- (3) Any person who prepares a substantial portion of a return, report, claim for refund, or other claim that is filed with the secretary of the DOR and does not sign as the preparer, but rather has the taxpayer sign as if the return, report or claim were self-prepared.

New law excludes from the definition of "preparer" any of the following:

- (1) Any employee who prepares a return, report, claim for refund, or other claim for the employer by whom he is regularly and continuously employed.
- (2) An attorney or other tax advisor whose association with a return, report, claim for refund, or other claim is limited to rendering advice and is not otherwise involved in preparing the return, report, claim for refund, or other claim for which the advice was rendered.

Effective July 1, 2018.

(Adds R.S. 47:1574.2)

Sales Tax and Reorganization (Act 527)

New law authorizes the secretary of the Dept. of Revenue (DOR) to refuse to register or issue, or to revoke, a state sales tax resale certificate to a reorganized business when the intent of the reorganization is to evade sales and use tax or

withholding tax when the taxes have been collected and not remitted to the DOR.

New law defines "reorganization" as a transfer of assets between businesses with significant shared ownership or management, a mere change in ownership form, or significant shared features between the old and new business.

New law requires that all tax, interest, and penalty due be paid before the business will be registered or the resale certificate will be issued.

Effective on July 1, 2018.

(Adds R.S. 47:1574.2)

Paid Tax Return Preparers (Act 525)

New law requires that any return, report, claim for refund or other claim prepared by a paid preparer be signed by the preparer and bear his preparer tax identification number, federal employer identification number, or Department of Revenue (DOR) account number. New law applies to any return, report, claim for refund, or other claim prepared by a paid preparer as follows:

- (1) For income taxes, all taxable periods ending on or after June 30, 2018, and filed on or after January 1, 2019.
- (2) For corporation franchise tax, all taxable periods ending on or after June 30, 2018, and filed on or after June 30, 2019.
- (3) For taxes other than income and corporation franchise taxes, all taxable periods beginning on or after July 1, 2018.
- (4) For any return, report, claim, or other filing not included in items (1) through (3) above, all filed on or after July 1, 2018.

New law defines a "paid preparer" as any of the following:

- (1) Any person who prepares, for compensation, any return, report, claim for refund or other claim that is filed with the secretary of the DOR.
- (2) Any person who owns or operates a business, the primary activity of which is the preparation for compensation of any return, report, claim for refund, or other claim that is filed with the DOR, and employs one or more persons in such business.
- (3) Any person who prepares a substantial portion of a return, report, claim for refund, or other claim that is filed with DOR and does not sign as the preparer, but rather has the taxpayer sign as if the return, report, claim for refund, or other claim were self-prepared.

New law excludes from the definition of "paid preparer" any employee who prepares a return, report, claim for refund, or other claim for the employer by whom he is regularly and continuously employed, or an attorney or other tax advisor whose association with a return, report, claim for refund, or other claim is limited to rendering advice and is not otherwise involved in preparing the return, report, claim for refund, or other claim for which the advice was rendered.

Effective July 1, 2018.

(Adds R.S. 47:1679)

Notice of Public Hearing on Millage (Act 75)

Present law establishes requirements and procedures necessary for a notice of a public hearing at which a taxing authority may consider the levy of additional or increased millages without voter approval. These are colloquially known as millage "roll forwards".

Present law requires that the public notice be published by July 15th, on two separate days, occurring no less than thirty days before the hearing date.

New law removes the July 15th deadline for publication of the notice.

(Amends R.S. 47:1705(B)(2)(c)(ii)(aa); Repeals R.S. 47:1705(B)(2)(c)(ii)(bb))

Homestead Exemption (Act 659)

Prior law granted a special assessment level to the homestead of a person 65 or older that prohibits the assessment of the homestead from increasing above the property's total assessed value for the first year that the owner qualifies for and receives the special assessment level.

Proposed constitutional amendment and new law grant the special assessment level to certain trusts if the settlors of the trust meet the requirements of present constitution and as provided in new law.

Proposed constitutional amendment and new law provide that if the trust would have been eligible for the special assessment level prior to the most recent reappraisal, the total assessment of the property held in trust shall be the assessed value on the last appraisal before the reappraisal.

New law provides that if a trust has remitted a payment at the higher assessment level and the trust is later determined to be eligible for the special assessment level, upon a showing by the trust of eligibility, any excess payment shall be held on account by the collector and used as a prepayment of subsequent years' ad valorem taxes.

Present constitution establishes an ad valorem tax exemption equal to \$7,500 of a property's assessed value for a military veteran with a 100% disability rating or the surviving spouse.

Proposed constitutional amendment and new law extend eligibility for this exemption to certain trusts if the settlors of the trust meet the requirements of present constitution and as provided in new law.

Present constitution establishes a 100% ad valorem tax exemption for the surviving spouse of a person who died while performing duty as a member of the U.S. armed forces or the La.

National Guard, or as a state police, law enforcement, or fire protection officer, or as a volunteer firefighter, or as an emergency medical responder, technician, or paramedic.

Proposed constitutional amendment and new law extend eligibility for this exemption to certain trusts if the settlors of the trust meet the requirements of present constitution and as provided in new law.

New law provides that eligibility for a trust for the special assessment level, the \$7,500 tax exemption and the 100% tax exemption requires the settlors of the trust to have been the immediate prior owners of the homestead, that they retain a usufruct, and that they occupy the homestead.

Effective if and when the proposed addition of Article VII, Sections 18(G)(6), 21(K) and (M) of the Constitution of Louisiana contained in the Act which originated as SB 163 of the 2018 RS is adopted at the statewide election to be held on Nov. 6, 2018, becomes effective.

(Adds R.S. 47:1713, 1714, and 1715)

Assessment Fees for Utility, Insurance, and Bank Properties (Act 120)

Present law authorizes the La. Tax Commission to impose fees for the assessment of public service, insurance company, and financial institution properties.

New law changes present law concerning the fees payable for the assessment of public service properties by extending the authority for imposition of the fee for the period from July 1, 2018 through June 30, 2022.

New law changes present law concerning the fees payable for the assessment of insurance companies and financial institutions by extending the authority to impose the fee for the period of July 1, 2018, through June 30, 2022, and by increasing the amount of the fees as follows:

- (1) Insurance companies, from .000015% to .0003%

- (2) Financial institutions, from .000015% to .0003%

Effective July 1, 2018.

(Amends R.S. 47:1838)

Public Service Properties (Act 591)

Present law requires the commission to annually appraise each public service company by September 1st, based on information provided by the property owner.

New law adds a requirement that the commission maintain within its record for each appraisal, the rationale for the determination of the appraisal approach utilized in the valuation.

Present law establishes specific factors to be used in the allocation of assessed value of public service properties which involve property used both inside and outside of La. The commission has discretion to utilize specific factors as it deems appropriate.

New law requires that the commission retain in its record of each appraisal, the analysis used to make a determination to use certain factors in favor of other factors.

(Amends R.S. 47:1853(B)(3) and 1855(E))

Advance Tax Payment Agreements (Act 328)

New law authorizes a local taxing authority to enter into an advance tax payment agreement with a taxpayer that owns property that is under an industrial tax exemption contract, which agreement would provide for the advance payment of property taxes in exchange for issuance of ad valorem tax credits to the taxpayer. Tax credits may only be used for payment of tax liabilities on property which is the subject of the industrial tax exemption contract. The agreement may include the payment of interest on the amount of advance taxes paid.

New law limits use of the credit in any tax year to 20% of the total value of the credit.

New law requires that the taxpayer notify the Board of Commerce and Industry of their entry into an agreement.

New law provides that a taxpayer's participation in an agreement shall have no bearing on the taxpayer's eligibility for or continued benefit from an exemption contract.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 47:2138)

Tax Sales (Act 574)

New law provides that if the tax sale party is deceased, the notice to a tax sale party will be sufficient if made to the succession representative, or if applicable, to a curator as provided by the Code of Civil Procedure.

Effective August 1, 2018.

(Adds R.S. 47:2156(D))

Child Care Development Fund (Act 521)

Prior law provided that in addition to approval of the oversight committees in the Administrative Procedure Act, the rules must also be approved the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means.

New law deletes prior law and provides that the rules must be approved by the senate and house committees on education, the Senate Committee on Revenue and Fiscal Affairs, and the House Committee on Ways and Means in accordance with the provisions of the Administrative Procedure Act.

Effective August 1, 2018.

(Amends R.S. 47:6103)

Corporate Income Tax Exclusions and Deductions (Act 4 of Second Extraordinary Session)

Previous Act of the legislature (Act No. 123 of 2015 R.S.) temporarily reduced certain allowable exclusions and deductions from corporate income tax. Present law provides that those exclusions and deductions return to their former rates effective July 1, 2018.

New law mostly retains the present law reinstatement of the full amount of the following deductions and exclusions as follows:

- (1) Exclusion of funds received by a corporation from a governmental entity to subsidize the operation and maintenance of a public transportation system; 72% exclusion sunsets on June 30, 2018, and 100% is reinstated beginning July 1, 2018. (R.S. 47:51)
- (2) Deduction of net operating loss of a corporation; 72% deduction is retained through June 30, 2023. (R.S. 47:246)
- (3) Exclusion of funds received from a governmental entity to subsidize the operation and maintenance of a public transportation system; 72% deduction sunsets on June 30, 2018, and 100% is reinstated beginning July 1, 2018. (R.S. 47:287.71)
- (4) Deduction of various corporate expenses that are not allowed as deductions by I.R.C. Section 280C; 72% deduction sunsets on June 30, 2018, and 100% is reinstated beginning July 1, 2018. (R.S. 47:287.73)
- (5) Deduction of net operating loss incurred in La.; 72% deduction sunsets on June 30, 2018, and 100% is reinstated beginning July 1, 2018. (R.S. 47:287.86)
- (6) Deduction of an amount equal to interest and dividend income included on the federal income tax return; 72% deduction sunsets on June 30, 2018, and 100% is

reinstated beginning July 1, 2018. (R.S. 47:287.738)

- (7) Exemption from corporation income and franchise taxes for certain La. Community Development Institutions; a four-year exemption is retained through June 30, 2018, and 100% is reinstated beginning July 1, 2018. (R.S. 51:3092)

New law clarifies that the reduced amounts of corporate deductions and exclusions in present law apply to an exclusion from taxable income and a claim for a deduction made on the return for each of the taxable years beginning during the calendar years of 2015, 2016, and 2017, regardless of the date the original or any amended return for the period is filed.

New law further provides that if a return is filed on or after July 1, 2015, regardless of the taxable year to which the return relates, then any portion of an exclusion or deduction disallowed under the provisions of present law shall be prohibited from being claimed or allowed as an exclusion or deduction under the provisions of present law that become effective on July 1, 2018, on an amended return for the same taxable period filed on or after July 1, 2018.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends §6 of Act No. 123 of 2015 R.S.)

TITLE 48: ROADS, BRIDGES AND FERRIES

DOTD Weekly Updates of Work (Act 662)

New law requires each Department of Transportation and Development district office to publish weekly on its internet website information by parish regarding the construction and maintenance work being performed, including but not limited to a description and location of the construction project or maintenance work performed.

Effective August 1, 2018.

(Adds R.S. 48:94)

Sale of Excess Property by DOTD (Act 386)

Prior law authorized the secretary of the Dept. of Transportation and Development (department) to dispose of excess immovable property that is not purchased at public or private sale, or when the cost to advertise the property for sale is greater than the property's fair market value so that the property lacks a positive net value to the department, by either of the following:

- (1) Donating the property pro rata to the adjacent landowner or landowners.
- (2) Conveying ownership of the property to any political subdivision in which the property is located or to the Dept. of Natural Resources.

New law authorizes the department to use a real estate broker licensed in La. to sell the property for a selling price determined by the department's last available appraisal, or the cost of advertisement, whichever is greater.

New law specifies that the broker's commission cannot exceed 25% of the sale price of the property.

New law limits the use of a broker to the sale of property that is identified by the department as an "uneconomic remnant".

New law defines "uneconomic remnant" as a parcel of immovable property acquired by the department where the department determined that any remaining partial interest in the owner's property would have little or no value or utility to the owner.

New law mandates that rules and regulations require the department to solicit all real estate brokers licensed in Louisiana and establish a registry of qualified real estate brokers to list the property to be sold in the multiple listing service database in the region where the property is located.

Effective upon signature of the governor (May 20, 2018).

(Amends R.S. 48:221(A)(4))

Excess State Land (Act 285)

Present law requires the secretary of the DOTD to convey ownership of excess immovable property authorized to be sold that is not purchased at public or private sale to the Dept. of Natural Resources.

New law requires the excess immovable property to be conveyed to the division of administration instead of the Dept. of Natural Resources.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 48:221(A)(4)(intro. para.) and (b))

DOTD Rental or Leasing of Equipment (Act 365)

New law changes prior law to authorize DOTD to rent, in addition to leasing, fixed and mobile equipment necessary to appropriately maintain and operate its facilities when the secretary determines that it is necessary or economically feasible to use specialized maintenance equipment which will not be needed on a permanent basis.

New law does not require DOTD to accept equipment offered at the lowest price when renting or leasing equipment.

Effective August 1, 2018.

(Amends R.S. 48:262(A))

Capital Area Road and Bridge District (Act 488)

New law creates the Capital Area Road and Bridge District as a political subdivision of the state, comprised of the territory in East Baton Rouge, Ascension, Livingston, Iberville, and West Baton Rouge parishes, to finance road and

bridge projects including a new bridge over the Mississippi River.

New law provides for board membership, meetings, and officers.

New law provides for the powers of the district, including:

- (1) To initiate or coordinate research, studies, and gathering of information on the road and bridge projects.
- (2) To procure from the DOTD, with the consent of its secretary, or from outside service providers, any service or portion of services necessary to fulfill the duties and obligations of the board or the district.
- (3) To enter into contracts and agreements and execute all instruments necessary or convenient thereto for accomplishing the purposes of the district.

New law authorizes the commission to apply for and accept grants or contributions, property, or other things of value.

New law authorizes the hiring of certain professional or scientific or other experts as the commission deems necessary.

New law, for the bridge to be constructed, authorizes the district to impose and collect tolls in accordance with prior law that authorized parishes to issue bonds secured by toll revenue.

New law provides that the levy of any tax, the imposition of a parcel fee, and the issuance of bonds is subject to approval of the voters in each parish comprising the district.

New law prohibits submission of a tax or bond proposition to the voters that does not provide funding for a new bridge over the Mississippi River and connecting infrastructure.

Regarding financing of road and bridge projects, new law authorizes the district to:

- (1) Levy ad valorem taxes.
- (2) Impose a parcel fee not to exceed an annual fee of \$500 per parcel.
- (3) Levy a sales and use tax not to exceed 1%.
- (4) Issue bonds secured by ad valorem and sales and use taxes.

New law authorizes use of district revenue for costs related to the transportation infrastructure projects that the district is authorized to undertake, which costs are described in detail.

New law provides that the commission shall have the advice and service of DOTD.

New law provides that the district is permitted to use alternative competitive procurement and delivery methods for the award of any contracts for a major project.

Effective upon signature of governor (May 25, 2018).

(Adds R.S. 48:771-780)

TITLE 49: STATE ADMINISTRATION

Building Named (Act 514)

New law names the Willie F. Hawkins Emergency Care Center in Baton Rouge, Louisiana.

Effective upon signature of the governor (May 23, 2018).

(Adds R.S. 49:149.33)

Movement for Gold Star Families (Act 1)

New law requires, 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 to set aside and maintain an appropriate area on the east side of the state capitol for a monument honoring the sacrifices of Louisiana

Gold Star Families, and to plan, implement, and maintain the monument.

Effective upon signature of the governor (April 19, 2018).

(Adds R.S. 49:150.1(H))

Re-Creation of Civil Service (Act 358)

New law provides for the general re-creation of the Dept. of State Civil Service and its statutory entities, effective June 30, 2018, in accordance with the sunset law. July 1, 2023, is the new termination date, and termination would begin July 1, 2022, unless the department is again re-created.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); repeals R.S. 49:191(8)(b))

Re-Creation of the Dept of State (Act 650)

New law provides for the general re-creation of the Dept. of State and its statutory entities, effective June 30, 2018, in accordance with the sunset law. July 1, 2023, is the new termination date, and termination would begin July 1, 2022, unless the department is again re-created.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); repeals R.S. 49:191(8)(c))

Re-Creation of Dept. of Agriculture and Forestry (Act 3)

New law provides for the general re-creation of the Dept. of Agriculture and Forestry and its statutory entities, effective June 30, 2018, in accordance with the "sunset" law. New law provides that July 1, 2023, would be the new termination date and termination would begin July 1, 2022, unless legislation is enacted to re-create the department prior to that date.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); repeals R.S. 49:191(8)(d))

Re-Creation of Dept. of Children and Family Services (Act 6)

New law provides for the general re-creation of the Dept. of Children and Family Services and its statutory entities, effective June 30, 2018, in accordance with the "sunset" law. New law makes July 1, 2023, the new termination date and termination would begin July 1, 2022, unless the department is re-created again.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); Repeals R.S. 49:191(8)(e))

Re-Creation of Dept. of Veterans Affairs (Act 133)

New law provides for the general re-creation of the Dept. of Veterans Affairs and its statutory entities, effective June 30, 2018, in accordance with the sunset law. July 1, 2023, is the new termination date, and the termination would begin July 1, 2022, unless the department is again re-created.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); Repeals R.S. 49:191(8)(f))

Re-Creation of Department of Economic Development (Act 24)

New law provides for the re-creation of the Department of Economic Development and its statutory entities, effective June 30, 2018, in accordance with the "Sunset" law. July 1, 2023, is the new termination date, and termination would begin July 1, 2022, unless the department is re-created.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); repeals R.S. 49:191(8)(h))

Re-Creation of Dept. of Public Service (Act 83)

New law provides for the general re-creation of the Dept. of Public Service and its statutory entities, effective June 30, 2018, in accordance with the "sunset" law. New law makes July 1, 2023, the new termination date, and termination would begin July 1, 2022, unless the department is re-created again.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); Repeals R.S. 49:191(8)(i))

Re-Creation of 17 Agencies (Act 350)

New law provides for the re-creation of 17 boards, commissions, and other agencies, effective June 30, 2018, in accordance with the "Sunset" law. July 1, 2023, is the new termination date, and termination will begin July 1, 2022, unless an agency is again re-created.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); repeals R.S. 49:191(8)(j))

Re-Creation of Department of Environmental Quality (Act 25)

New law provides for the re-creation of the Dept. of Environmental Quality and its statutory entities, effective June 30, 2018, for a four-year period.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); repeals R.S. 49:191(8)(l))

Recreation of Dept. of Education (Act 65)

New law provides for the general re-creation of the Dept. of Education and its statutory entities, effective June 30, 2018, in accordance with the sunset law. July 1, 2023, is the new termination date, and the termination would begin July 1, 2022, unless the department is again re-created.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); Repeals R.S. 49:191(8)(m))

Re-creation of GOHSEP (Act 158)

New law provides for the re-creation of the GOHSEP and its statutory entities, effective June 30, 2018, for a four-year period.

Effective June 30, 2018.

(Adds R.S. 49:191(10)(c); repeals R.S. 49:191(8)(n))

Master Plans for Coastal Protection (Act 244)

Prior law required the CPRA board to develop a coastal master plan when necessary, or at a minimum, every five years. New law changes the five year requirement to six years.

New law requires that the comprehensive master plan for integrated coastal protection projects adopted pursuant to SCR No. 1 of the 2017 Regular Session remain in effect through FY 2023, at which time a new comprehensive master plan for integrated coastal protection projects shall be developed and presented to the legislature for adoption under the six-year renewal and revision schedule contained in new law.

Effective August 1, 2018.

(Amends R.S. 49:214.5.3(A)(1))

Coastal Area Mitigation (Act 286)

Present law requires the secretary of the Dept. of Natural Resources to adopt regulations to require mitigation for activities in the coastal area. Present law provides that the secretary consider societal and economic value of the proposed activity, and ecological values impacted by the proposed activity, availability of methods for avoiding or minimizing the impacts associated with the proposed activity and for restoring the site impacted by the proposed activity.

New law requires the secretary to consult with the Coastal Protection and Restoration Authority in the determination of the ecological values impacted by an activity proposed in the coastal area that is contained in the state's master plan for integrated coastal restoration, and the methods for avoiding or minimizing adverse impacts associated with the proposed coastal master plan activity.

(Amends R.S. 49:214.41(B))

Integrated Coastal Protection Projects as Mitigation (Act 47)

Present law generally requires mitigation for damage done to coastal wetlands, and requires compensatory mitigation at a level sufficient to replace or substitute for the wetlands lost due to permitted activities in the coastal area. Present law defines compensatory mitigation as the replacement, substitution, enhancement, or protection of ecological values to offset anticipated losses.

New law authorizes the inclusion of integrated coastal protection projects, consistent with the state's coastal master plan and located within the same watershed as the permitted activity, as compensatory wetlands mitigation for negative impacts caused by a permitted activity.

(Amends R.S. 49:214.41(A)(1) and (C))

Coastal Protection and Restoration Authority (Act 157)

New law requires that all meetings conducted by the Coastal Protection and Restoration Authority (CPRA) board be broadcast live over the internet in which votes are scheduled to occur.

New law requires that all broadcasts be recorded, archived, and made accessible to the public for at least six years after the meeting date.

New law does not apply to executive sessions held in accordance with the La. Open Meetings Law.

New law provides that the audio and video records created pursuant to new law are not to be construed in a manner to be the official record, or any part of the official record, of the proceedings of a meeting of the board.

New law provides that if the board is precluded from fulfilling the requirements of new law due to a technical problem beyond its control, or when the only meeting room available lacks the equipment necessary to facilitate internet broadcasts, the failure to broadcast or record the proceedings of a meeting of the board shall not be construed to be a violation of new law, however, no voting shall occur.

Effective upon signature of the governor (May 15, 2018).

(Adds R.S. 49:214.5.2(K))

Coastal Protection and Restoration Authority (Act 448)

Present law authorizes the executive director of the Coastal Protection and Restoration Authority (CPRA) to use his contracting authority, or the contracting authority of any state department or agency, for the operation and maintenance of an integrated coastal protection project.

New law requires the CPRA to promulgate, through the Administrative Procedure Act, rules, regulations, or guidelines for the implementation of the contracting authority.

New law requires sunset review of the CPRA and the CPRA Board for July 1, 2023. New law provides for a sunset review every six years thereafter, to coincide with the review and adoption of the comprehensive master plan for coastal restoration.

(Amends R.S. 49:214.6.2(A); Adds R.S. 49:191(11)(a))

Petitions to Request Rule Changes (Act 454)

Present law provides that an interested person may petition an agency requesting a rule. New law requires each agency with an appropriated

operating budget of \$5 million or more to include a description of the procedure for submitting petitions on its website.

New law requires each agency, at least once prior to Jan. 1, 2020, and at least once every six-year period thereafter, to conduct a public hearing for the purpose of allowing any interested person the opportunity to comment on any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. New law requires the agency to give at least 30 days notice of the meeting by publishing it in the La. Register, sending notice electronically to the appropriate legislative oversight committees, and providing notice of the meeting to all persons who have made timely request of the agency.

New law requires the agency to consider fully all comments and submissions concerning its rules. New law requires the agency to issue a response to each submission describing the principal advantages and disadvantages of the rule changes suggested in the submission. New law requires all submissions, responses, and statements to be furnished to the respective legislative oversight committees in the annual report of rulemaking and to be made available to interested persons as soon as possible but no later than one day following submission to the appropriate legislative oversight committees.

Present law requires each agency which has proposed rule or fee changes during the previous calendar year to submit a report, 30 days prior to the beginning of the regular session, to the appropriate legislative committees containing a statement of the action taken by the agency with respect to those changes.

New law provides instead that each agency shall submit a report on rulemaking activities during the previous calendar year, no later than 30 days prior to the beginning of the regular session, to the appropriate legislative committees, and provides that such report shall also contain a recitation of each petition and submission received by the agency during the previous calendar year, if any, and the agency's response to each petition and submission, and shall contain

the report of the public comments and agency response relative to the public hearing required by new law (explained above).

Effective Jan. 1, 2019.

(Amends R.S. 49:953(C) and 968(K) and (L))

Appeals in Abuse or Neglect Cases (Act 90)

New law provides an exception to the Administrative Procedure Act to authorize the Dept. of Children and Family Services to seek judicial review in appeals brought pursuant to present law involving reports alleging abuse or neglect.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 49:964(A)(2) and 992(B)(3))

La. Council on the Social Status of Black Men and Boys (Act 103)

New law changes council name to the La. Council on the Success of Black Men and Boys and places it within the office of the governor.

New law changes the membership of the Council.

Old law requires Council to issue its first annual report by Feb. 1, 2009, and by Jan. 1 each following year, to state the findings, conclusions, and recommendations of the council. New law changes the deadline for the first annual report to Feb. 1, 2019, and makes Jan. 15 the new deadline for stating council findings, conclusions, and recommendations.

(Amends R.S. 36:4(X), and R.S. 49:1211, 1212 and 1213)

Agency Reporting Duties (Act 572)

New law provides that, except as provided in new law, a legislative mandate to produce any report required of an executive branch agency first occurring on or after July 1, 2018, shall expire on July first following the fifth regular session after the mandate was approved by the legislature.

New law provides that, except as provided in new law, a legislative mandate to produce any report required of an executive branch agency first occurring on or before June 30, 2018, shall expire on the July first following June 30, 2019, in the earliest year that is a multiple of five years after the mandate was initially approved by the legislature.

New law allows the standing committees having jurisdiction over the agency tasked with producing the report to continue the mandate for an additional five years by an affirmative vote of the majority of each committee at any time before the July first on which the mandate is set to expire.

New law requires the executive branch agency tasked with producing the report to notify the committees of the pending expiration of the mandate via electronic mail not later than the January first immediately preceding the expiration date. New law provides that the notification shall include a citation of the original mandate requiring the report, a copy of the most recent report, and an estimate of the agency resources including costs expended in producing the report.

Effective July 1, 2018.

(Adds R.S. 49:1401)

TITLE 50: SURVEYS AND SURVEYORS

TITLE 51: TRADE AND COMMERCE

"Going Out of Business" Sales (Act 374)

Present law requires a deposit for each application for a "going-out-of-business sale" license of either \$500 or a dollar amount equal to one percent of the wholesale cost of the inventory, whichever amount is greater.

New law provides that upon failure of the licensee to return the "going-out-of-business sale" license, or an affidavit in lieu of the return, within 365 calendar days from expiration of the

license, the deposit reverts to the Unclaimed Property Division of the Department of the Treasury in the name of the licensee and the consumer protection section of the Department of Justice.

New law requires that while in the hands of the Unclaimed Property Division, the deposit is subject to the provisions of prior law. New law provides that the deposit be released to the licensee only upon verification by the Department of Justice that the licensee has returned the license to the consumer protection section which cancels the license, with endorsement of the date of its delivery and cancellation, and the deposit made for the license is held by the consumer protection section for 60 days from date of delivery of the returned license or affidavit.

Effective July 1, 2018.

(Amends R.S. 51:42(1) and 51(A); adds R.S. 51:51(E) and (F))

Fireworks (Act 211)

New law adds and defines the following terms: "1.3G Fireworks", "1.4G Fireworks", "air luminary", "articles pyrotechnic", "Class C Public Display", "consumer fireworks", "display fireworks", "fire prevention officer", "firework", "pyrotechnic", "firm", "illegal fireworks", "IMS system", "proximate display", "license", "licensee", "novelty", "office", "person", "public entity", and "pyrotechnic operator".

New law prohibits persons in this state from selling, offering for sale, distributing, possessing, igniting, or otherwise using aerial luminaries, commonly known as sky lanterns, Hawaii lanterns, Knogming Lanterns, Chinese lanterns, sky candles, fire balloons, or flying luminaries. New law authorizes the fire marshal and authorized police or peace officers to seize such aerial luminaries as contraband.

New law provides for seized contraband to be held in custody of the sheriff in the parish where such contraband was seized.

New law authorizes an aggrieved party to file an appeal to the district court in the parish where the contraband was seized. New law authorizes the district court to return part or all of the confiscated contraband; otherwise, the court is required to have the contraband destroyed.

New law adds that each violation of law constitutes a separate offense.

Old law provided that "fireworks" does not include toy pistols, toy canes, toy guns, or other devices that do not contain certain amounts of explosive compounds. New law deletes old law.

New law prohibits a person or firm from making a public display without obtaining a pyrotechnic operator's license issued by the office of state fire marshal.

New law provides the pyrotechnic operator is responsible for safely storing, setting up, and removing pyrotechnic materials and devices after a display and in accordance with manufacturer standards.

New law prohibits a person or firm from making a proximate display without obtaining a pyrotechnic special effects operator's license from the office of state fire marshal.

New law requires applicants for a pyrotechnic operator's license or pyrotechnic special effects operator's license to make application to the office of state fire marshal. New law requires the taking and passage of a written examination with a passing grade of at least 70%.

New law provides that persons holding a valid blaster's license on or before Sept. 30, 2003, may forego the written examination by demonstration of practical tests or documentation deemed necessary by the fire marshal to determine the applicant's knowledge and ability.

New law requires the content, type, frequency, and location of examinations to be set by the fire marshal.

New law provides the following with respect to those seeking licensure:

- (1) Applicants who fail may reapply and take a reexamination.
- (2) Requires a licensee whose license has been expired for two years or more and who makes application for a new license to retake and pass the written examination to receive a renewed license.

New law provides a license will not be issued if any of the following apply:

- (1) The applicant is a convicted felon.
- (2) The applicant fails to meet the requirements of new law.
- (3) The applicant for pyrotechnic operator licensure has not assisted in conducting at least five permitted public displays and has not served as lead operator on at least one permitted public display in the state of La. under the direct supervision of and verified in writing by a pyrotechnic operator licensed in this state.
- (4) The applicant for pyrotechnic special effects operator licensure has not assisted in conducting at least five permitted proximate displays and has not served as lead operator on at least one permitted proximate display in the state of La. under the direct supervision of and verified in writing by a pyrotechnic special effects operator in this state.
- (5) The applicant is less than 21 years old.

New law provides that a conviction or a plea of guilty or nolo contendere does not constitute an automatic disqualification if more than 10 years have elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole, or Code of Criminal Procedure or other judicial dismissal.

New law provides the pocket license document issued along with the regular license document is for identification purposes only. New law

requires the licensee to carry it when engaged in the business.

New law provides that a license is valid for a period of 1 year from the date of issue.

New law provides the cost of a new license is \$50 and \$25 for renewals.

New law prohibits a person or firm from making a Class C public display without obtaining a Class C pyrotechnic operator's license from the office of state fire marshal. New law requires applicants for a Class C pyrotechnic operator license to receive training and certification from the office of state fire marshal.

New law requires a licensee whose license has been expired for three years or more and who makes application for a new license to receive training and recertification by the office of state fire marshal.

New law provides a license will not be issued if any of the following apply:

- (1) The applicant fails to meet the requirements of new law.
- (2) The applicant is less than 21 years old.

New law provides the cost of a new license is \$25 and \$15 for renewals.

New law prohibits a person or firm from making or performing a public display, proximate display, or Class C public display without first obtaining a permit from the office of state fire marshal. New law authorizes a person or firm desiring a permit to either apply to the office of state fire marshal or to a certified local authority. New law requires the application to be received by either the fire marshal or the certified local authority at least 5 days prior to the event.

New law requires the application to make or perform a display to contain specified information.

New law provides for a public entity desiring a permit for a Class C public display to apply to the

office of state fire marshal at least 5 days prior to the event.

New law provides a \$100 application fee for a permit for a public display or proximate display.

New law provides the application fee for a permit for a Class C public display is \$25.

New law prohibits a person or firm supplying fireworks for public display or proximate display from shipping, selling, possessing, or using fireworks designed for public display or proximate display unless the supplier has obtained a distributor's permit.

New law prohibits a person or firm holding a permit for a public or proximate display from obtaining fireworks for use in any public or proximate display from any person or firm that has not obtained a distributor's permit.

New law requires fireworks to be used for public or proximate display only and at all times be kept in the possession of those responsible and be appropriately stored in accordance with certain law of the National Fire Protection Association.

New law provides regulations regarding the purchase, storage, and transportation of fireworks used for public display or proximate display are governed by certain provisions in present law.

New law requires fireworks to be used for public or proximate display to be appropriately stored and displayed in accordance with certain law of the National Fire Protection Association.

New law authorizes applicants for the sale of fireworks to apply electronically through the IMS system as defined in new law.

New law modifies the dates for when fireworks may be sold.

Present law authorizes a retailer permit. Old law provided a fee of \$100 for residents and \$800 for nonresidents. New law provides the permit fee is \$100 for all applicants.

(Amends R.S. 51:650, 651.1, 652, 655, and 656)

Investment Adviser Representatives (Act 243)

New law provides that, as directed by the commissioner of OFI, each applicant for registration as an investment adviser representative shall submit fingerprints for a criminal background check. Such fingerprints may be submitted through any licensing system authorized by the commissioner.

New law provides that the costs of fingerprint processing shall be borne by the person subject to the criminal history background check.

New law does not apply to the following persons:

- (1) A person who has submitted an application for registration in Louisiana with a Financial Industry Regulatory Authority (FINRA) member firm, provided fingerprints were submitted and processed by FINRA on behalf of the member firm with which such associated person is pending registration, pursuant to the provisions of a rule by the United States Securities and Exchange Commission.
- (2) A person who is registered with the commissioner as an investment adviser representative on January 1, 2019, unless such person subsequently applies for registration with a different investment adviser.

Effective January 1, 2019.

(Adds R.S. 51:703(D)(5))

Securities Law Filings (Act 74)

New law requires the issuer of any federal covered security under Section 18(b)(4)(C) Securities Act of 1933, and for purposes of renewal, to make a notice filing with the commissioner, including a copy of all documents filed with the SEC, as provided in Section 4A(b) of the Securities Act of 1933, when either of the following apply:

- (1) The issuer's principal place of business, as defined in the rules and regulations of the SEC, is in this state.
- (2) Purchases of 50% or more of securities sold by the issuer, as provided in Section 18(b)(4)(C) of the Securities Act of 1933, are to residents in the state of La.

New law requires the issuer to file with the commissioner the documents described in new law at either of the following applicable times:

- (1) When the issuer files the documents with the SEC, if the issuer is filing with the commissioner that its principal place of business is in this state.
- (2) Within 15 days of the date the issuer becomes aware that it has sold 50% or more of its securities to La. residents. If filing under this 15-day requirement, under no circumstances should the filing be more than 15 days from the date of completion of the offering.

New law provides the documents filed in accordance with new law are effective for 12 months from the date of the filing. New law requires the issuer to pay a nonrefundable filing fee of \$150.00 to the commissioner when an initial or subsequent notice is filed.

Effective Jan. 1, 2019.

(Adds R.S. 51:705(G)(3))

Securities Law Violations (Act 73)

Present law authorizes the commissioner of the Office of Financial Institutions, following notice and opportunity for hearing, to assess a civil monetary penalty against any issuer, broker-dealer, agent, investment adviser, or investment adviser representative who violates any provision of the La. Securities Law. Present law provides such penalties are not to exceed \$5,000 per violation, plus the costs of investigation and prosecution.

New law expands the applicability of present law to include violations of any rule, regulation, or order of the commissioner for which penalties and fees may be assessed.

New law makes technical changes.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 51:710.1)

Motion Picture Production (Act 504)

Present law requires motion picture production companies to submit a statement to the Dept. of Economic Development (DED) declaring that it is not required to maintain records for the certified production pursuant to federal law related to sexually-explicit conduct prior to DED issuing final certification of production expenditures.

New law retains present law but prohibits DED from issuing final certification of production expenditures for any state-certified production required to maintain records pursuant to federal law.

New law applies to applications for initial certification for state-certified productions submitted on and after July 1, 2018.

Effective July 1, 2018.

(Amends R.S. 51:940.1(B))

Empowering Families to Live Well Louisiana Act (Act 581)

New law authorizes creation of the Empowering Families to Live Well Louisiana Council and Strategic Plan.

New law provides that to assist and empower struggling families throughout La., the council will be established within the Department of Children and Family Services (DCFS).

New law provides for the composition of the membership of the council.

New law provides that the council will have as its purpose the goal of pursuing programs and policies which reduce deprivation and hardship, while promoting the well-being and health of all Louisianians.

New law requires the council to:

- (1) Seek private sector funding to be used with public funds to support evidence-based, innovative solutions to poverty.
- (2) Seek funding for grant programs targeted at local government entities, nonprofit organizations, faith-based organizations, and other qualified community-based organizations directly serving people in La.

New law authorizes the council to:

- (1) Solicit guidance from in-state and national experts.
- (2) Work to develop mechanisms to coordinate assistance and services offered by state departments to best address the needs of families throughout the state.

New law requires the council to submit an implementation plan to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly, for approval by June 30, 2019, that includes administrative and legislative policy recommendations.

New law requires the council to present an annual report on the development of an implementation plan to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare, meeting jointly, no later than Jan. 31, of each year.

New law authorizes the creation of a special fund, the "Live Well Louisiana Fund," to be used as directed by the council to fund grants and projects to reduce poverty and promote wellbeing.

Effective upon signature of the governor (May 31, 2018).

(Adds R.S. 51:1055-1058)

**Unfair Trade Practices and Prescription
(Act 337)**

Old law provided that an action to recover actual damages for unfair trade practices is prescribed by one year running from the time of the transaction or act which gave rise to the right of action.

New law provides that an action to recover actual damages for unfair trade practices is subject to a liberative prescription of one year running from the time of the transaction or act which gave rise to the right of action.

(Amends R.S. 51:1409(E))

Caller ID Anti-Spoofing Act (Act 652)

Present law provides that it is unlawful for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud, or deceive the recipient of a telephone call, with exceptions.

New law adds that it is unlawful for a caller to knowingly insert false information into a caller identification system with the intent to cause harm or wrongfully obtain anything of value.

New law does not apply to caller identification manipulation specifically authorized by court order.

New law authorizes any person or entity adversely affected by a violation to bring an action against a person who knowingly inserts false information into a caller identification system with the intent to cause harm to, wrongfully obtain anything of value from, mislead, defraud, or deceive the recipient of a telephone call.

Prior law provided that a person who brings an action against a person who violates the law may seek to enjoin further violations and seek to recover the greater of three times the amount of actual damages or \$5,000 per violation. New law instead provides that whoever violates the Act

shall be subject to injunctive relief, treble damages, and court costs and reasonable attorney fees.

Prior law provided that the attorney general, or a district attorney in a parish where a violation occurs, may bring an action against a person who violates the Act to enjoin further violations and to recover a civil penalty of up to \$5,000 per violation. New law increases the civil penalty to up to \$10,000 per violation.

New law provides that remedies available in new law shall not preclude one from seeking other remedies, including criminal remedies, available.

Effective August 1, 2018.

(Amends R.S. 51:1741.1, 1741.2, 1741.4, and 1741.5)

**Quality Jobs Program and Enterprise Zones
(Act 11 of Second Extraordinary Session)**

Prior law required that applications for La. Quality Jobs Program incentives be filed no later than 24 months after the filing of the advance notification. New law retains prior law.

New law authorizes an exception to the application filing requirement for projects for which an advance notification was filed on or after June 1, 2015, and before July 1, 2015, and requires applications for those projects to be filed before January 1, 2018.

Prior law provided that within 10 business days of the receipt of a properly completed rebate request for the La. Quality Jobs and Enterprise Zone programs, the Department of Revenue shall rebate 80% of the total amount claimed for rebate in the rebate request.

New law changes the rebate time from 10 to 60 days and provides limitations on the rebate claimed.

Prior law provided a \$100,000 per net new job monetary limitation for sales and use tax rebates and refundable investment income tax credits

granted to businesses in the Enterprise Zone Program.

Prior law provided that within three months of the date of filing the La. Quality Jobs and Enterprise Zone rebate request, the Department of Revenue shall audit the rebate request, disallow items determined to be ineligible for rebate, and within 10 business days following the expiration of the three-month period, rebate the remaining 20% of the amount claimed on the rebate request, less any amounts properly disallowed.

New law changes the audit time, the time to disallow items determined to be ineligible for a rebate, and the rebate of the remaining 20% of the claimed rebate from three months to six months. New law provides that the rebate shall be limited by the \$100,000 per net new job limitation in prior law.

New law provides that the Dept. of Revenue shall make additional rebates of sales and use taxes from a rebate request after certification by the Dept. of Economic Development that additional net new jobs have been created.

New law provides that all Quality Jobs rebate payments will be delayed for a period of 24 months for any applicant to which the provisions of prior law apply that filed their application between October 1, 2017, and December 1, 2017.

New law provides that the provisions of this Act shall supercede and control in the event of a conflict with Section 3 of Act 126 of the 2015 Regular Session.

Effective upon signature of the governor (June 12, 2018).

(Amends R.S. 51:1787, 2455, and 2457)

La. Economic Development Corporation (Act 308)

Present law prohibits a corporate member or employee, or employee of the Dept. of Economic Development, from being a direct or indirect party to or interested person in any contract or agreement with the Corporation for any matter,

cause, or thing for which liability or indebtedness would result against the Corporation, and that if any contract or agreement is made in violation, such agreement or contract is null and void and no action will be maintained against the Corporation.

New law exempts a member of the Corporation or an employee thereof if the respective member recuses himself from voting on the otherwise prohibited contract or agreement, and adds that any member of the Corporation who recuses himself from voting is also prohibited from participating in any discussion or debate with respect to the otherwise prohibited contract or agreement.

(Amends R.S. 51:2311(A) and 2320.1)

Major Events Economic Incentive (Act 689)

Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget (hereinafter "JLCB"), present law authorizes the secretary of the Dept. of Economic Development to enter into contracts with local governmental entities for any qualified event intended to have a significant positive impact on La. economic development.

New law deletes present law language requiring legislative appropriation and the JLCB, and adds that prior to executing the contract, the secretary is required to obtain the approval of the commissioner of administration. New law requires the financial commitment of the contract to be no more than the incremental increase in certain state tax receipts as determined by the secretary.

Present law requires the secretary to notify the JLCB and the treasurer with respect to certain determinations. New law instead requires the notification to be provided to the Revenue Estimating Conference.

Present law provides for the treasurer's disbursement of monies from the La. Mega-Project Development Fund (hereinafter "Fund") to eligible entities at times and in amounts as

determined by the secretary and approved by JLCB.

New law changes the fund from which disbursements will be made from the Fund to a special subfund in the Mega-Project Development Fund known as the "Major Events Incentive Program Subfund" (hereinafter "Subfund") and deletes language relative to the approval of the JLCB.

Old law provided a qualified event may receive funding from the Fund if such event meets three conditions.

New law changes the source from which a qualified event may receive funding from the Fund to the Subfund, and permits the qualified event to receive such funding if the event meets either of the following first two conditions and the third condition:

- (1) After considering through a highly competitive selection process one or more sites that are not located in this state, a site selection organization selects a site located in this state for an event to be held once, or for an event scheduled to be held annually for a period of years under an event contract.
- (2) A site selection organization selects a site in this state as the sole site for the event.
- (3) The event is held not more frequently than annually.

(Amends R.S. 51:2365.1)

La. Small Business and Entrepreneurship Council (Act 327)

New law establishes the La. Small Business and Entrepreneurship Council and provides for the membership of board of directors.

New law provides for the duties and responsibilities of the council.

(Adds R.S. 51:2375 and 2376)

Quality Jobs Program (Act 624)

Present law establishes the Quality Jobs Program under which the Dept of Economic Development can enter into contracts with qualified employers for certain payroll rebates and either a state and local sales tax rebate for purchases of materials for new infrastructure, machinery and equipment, or a project facility expense rebate for certain qualified capital expenditures.

New law changes present law by specifying that an employer who qualifies for a contract based upon their location in a parish with low per capita income shall retain that qualification regardless of any change in the per capita income of the parish during the contract and renewal period.

(Amends R.S. 51:2453(2)(b)(v))

Privacy and Data Security (Act 382)

New law requires any person that conducts business in the state or owns or licenses computerized data that includes personal information, or any agency that owns or licenses computerized data that includes personal information, to implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the personal information from unauthorized access, destruction, use, modification, or disclosure.

New law requires any person that conducts business in the state or that owns or licenses computerized data that includes personal information, or any agency that owns or licenses computerized data that includes personal information, to take all reasonable steps to destroy or arrange for the destruction of the records within its custody or control containing personal information that is no longer to be retained by the person or business by shredding, erasing, or otherwise modifying the personal information in the records to make it unreadable or undecipherable through any means.

Prior law defined "personal information" as an individual's first name or first initial and last name in combination with any one or more of the

following data elements, when the name or the data element is not encrypted or redacted:

- (1) Social security number.
- (2) Driver's license number.
- (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

New law defines "personal information" as the first name or first initial and last name of an individual resident of this state in combination with any one or more of the following data elements, when the name or the data element is not encrypted or redacted:

- (1) Social security number.
- (2) Driver's license number or state identification card number.
- (3) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.
- (4) Passport number.
- (5) Biometric data.

New law defines "biometric data" as data generated by automatic measurements of an individual's biological characteristics, such as fingerprints, voice print, eye retina or iris, or other unique biological characteristic that is used by the owner or licensee to uniquely authenticate an individual's identity when the individual accesses a system or account.

Prior law required any person that conducts business in the state or that owns or licenses computerized data that includes personal information, or any agency that owns or licenses computerized data that includes personal information, to notify any resident of the state whose personal information was, or is reasonably

believed to have been, acquired by an unauthorized person. New law deletes the requirement of prior law pertaining to persons conducting business in the state.

Prior law required notification to be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the data system.

New law requires that notification be made within 60 days of the discovery of the breach. New law provides that when notification is delayed the person or agency shall provide the attorney general with the reasons for the delay, in writing within the 60 days period to receive an extension of time.

Prior law provided that notification may be provided by substitute notification if the person or agency demonstrates that the cost of notification would exceed \$250,000, or that the affected class of persons exceeds 500,000, or the agency or person does not have sufficient contact information.

New law provides that notification may be provided by substitute notification if the person or agency demonstrates that the cost of notification would exceed \$150,000, or that the affected class of persons exceeds 100,000, or the agency or person does not have sufficient contact information.

New law provides that notification shall not be required if, after a reasonable investigation, the person or business determines that there is no reasonable likelihood of harm to the residents of this state. Further, the person or business shall retain a copy of the written determination and supporting documentation for five years from the date of discovery of the breach of the security system.

New law provides that, if requested in writing, the person or business shall send a copy of the written determination and supporting documentation to

the attorney general no later than thirty days from the date of receipt of the request.

Prior law defined "breach of security of the system" as the compromise of the security, confidentiality, or integrity of computerized data that results in, or there is a reasonable basis to conclude has resulted in, the unauthorized acquisition of and access to personal information maintained by an agency or person.

New law defines "breach of the security system" as the compromise of the security, confidentiality, or integrity of computerized data that results in, or there is a reasonable likelihood to result in, the unauthorized acquisition of and access to personal information maintained by an agency or person.

New law provides that violations of the Database Security Breach Notification Law constitute an unfair practice under R.S. 51:1405(A).

Effective August 1, 2018.

(Amends R.S. 51:3073(2) and (4)(a) and 3074)

DNA Testing Kits (Act 571)

New law requires a company selling kits for DNA testing for any purpose to provide the user with notice in a concise and easy-to-read manner informing the user of specified information to the extent they apply to the DNA testing kit.

New law requires the company to provide notices to the user through either of the following methods:

- (1) A website or mobile application, if the user is required to access the website or mobile application in order to obtain the DNA testing service that was purchased.
- (2) Through a written notice included in the box in which the testing kit is provided.

New law does not apply to a company that utilizes the DNA only for the testing service purchased and does not provide the DNA or test results to a third person for another use or purpose.

New law provides for a violation of new law to be treated as a deceptive and unfair trade practice which subjects the violator to any and all penalties provided in the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2018.

(Adds R.S. 51:3151-3152)

TITLE 52: UNITED STATES

TITLE 53: WAR EMERGENCY

TITLE 54: WAREHOUSES

TITLE 55: WEIGHTS AND MEASURES

TITLE 56: WILDLIFE AND FISHERIES

Saltwater Fishing License Fees (Act 41)

Present law requires payment of a \$5.50 fee for a saltwater fishing license for residents and \$30 for nonresidents. Old law required that from June 1, 2014 through May 31, 2018, an additional fee of \$7.50 be paid for each resident saltwater fishing license issued. New law extends the applicability date for the additional fee from May 31, 2018 to May 31, 2022.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 56:10(B)(1)(g) and 302.1(C)(1)(c))

Ban on Live Cervid Importation (Act 67)

New law prohibits the importation of any live cervid from outside the state.

New law does not apply to licenses issued by the Dept. of Agriculture.

New law specifies that violations of new law enforced by wildlife agents of the Dept. of Wildlife and Fisheries are class four violations.

(Amends R.S. 3:3103(D) and 56:20(C); Adds R.S. 56:20(D))

Airboats in Wildlife Management Areas (Act 618)

New law limits the use of airboats on wildlife management areas to airboat trails established by the Wildlife and Fisheries Commission. New law provides that the trails be established on every wildlife management area where airboat operation is feasible and in a manner to best protect public safety and wildlife resources and habitats. New law limits airboat trails to trails or rights of way existing as of Feb. 1, 2018.

New law provides that the rules and regulations require mufflers and limitations on the engine size on airboats and requires the operator to possess a WMA permit, to annually notify the Dept. of Wildlife and Fisheries of the airboat's registration number, to make the airboat available for inspection, and to prohibit use of the trails by airboats between Sept. 1st and the following Jan. 31st.

New law prohibits any person from operating an airboat on any wildlife management area if that person violates new law three times within a 10-year period.

Present law requires the Dept. of Wildlife and Fisheries to keep at least one all-terrain vehicle trail open throughout the year at each wildlife management area that has all-terrain vehicle trails. Present law specifies that any violation of the provisions in present law is a class one violation.

New law retains present law and specifies that violations of new law are also class one violations.

(Amends R.S. 56:109.1)

Charter Boat Guides (Act 165)

Present law requires the Dept. of Wildlife and Fisheries to certify a commercial fisherman's license upon receipt of a notarized statement stating that the fisherman earns at least 50% of his income from commercial fishing activities.

New law adds charter boat guides to present law and includes them in the certification program.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 56:303(E))

Fishing Limits (Act 40)

Prior law authorized the possession limit of three times the daily take limit for largemouth bass and spotted bass taken south of U.S. Hwy. 90, provided various requirements are met. Old law provided that the increased possession limit would be null and void beginning July 1, 2016. New law repeals the sunset provision of July 1, 2016.

New law authorizes the possession limit of three times the daily take limit for red drum and spotted sea trout taken south of U.S. Hwy. 90 providing various requirements are met.

New law changes the penalties for violating the possession limits for red drum and spotted sea trout.

Effective upon signature of the governor (May 10, 2018).

(Amends R.S. 56:325 and 325.1)

Filletted Fish on Vessel (Act 462)

Present law prohibits possession of over the daily bag limit of red drum, spotted sea trout, or Southern flounder while fishing or while on the water, unless such recreational saltwater fisherman is aboard a trawler engaged in commercial fishing for a consecutive period of longer than 25 hours and the vessel is equipped to

cook. Present law prohibits the possession of filleted fish while aboard a vessel on the water.

New law allows possession of up to the possession limit of filleted red drum, spotted sea trout, or Southern flounder while traversing the waterways between a camp owned by the boat operator and a recognized boat ramp, provided that the filleted fish have sufficient skin remaining on the fillet for identification of the species, are no less than 2/3 of the minimum legal length, and are separated by species into plastic containers marked by species and date caught.

(Amends R.S. 56:325.1(A)(3))

Abandoned Crab Traps (Act 338)

Present law has a removal program for abandoned crab traps.

Old law required rules addressing the location of the disposal of traps. New law requires rules specifying the disposition of the abandoned traps.

(Amends R.S. 56:332(N)(3))

Sabine Lake Oysters (Act 159)

Prior law authorized harvesting oysters in Sabine Lake using only hand tongs, and provided season dates, harvest limits, and penalties. New law prohibits harvesting oysters in Sabine Lake.

Effective August 1, 2018.

(Amends R.S. 56:435.1)

La. Seafood Promotion and Marketing Board (Act 700)

New law changes the membership and quorum of the Louisiana Seafood Promotion and Marketing Board.

(Amends R.S. 56:578.2(A)(1) and (C))

Fishermen and Underwater Obstructions (Act 190)

Present law creates the Fishermen's Gear Compensation Fund to pay compensation for damages suffered by a commercial fisherman as a result of hitting or snagging on an obstruction or a hazard in waters of the state resulting from natural occurrences, oil and gas activities, or other activities where the obstruction is unknown. Present law provides that payments into the Underwater Obstruction Removal Fund shall cease June 30, 2018.

New law extends payments into the Underwater Obstruction Removal Fund to June 30, 2022 and extends the existence of the Fishermen's Gear Compensation Fund to June 30, 2022.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 56:700.2(A)(4) and 700.6)

Tickfaw River and Blind River (Act 430)

Present law authorizes clearing and snagging, and dredging operations conducted or contracted for by a political subdivision, the state, or federal government for drainage purposes in various rivers.

New law adds the Tickfaw River, from the Louisiana-Mississippi state line to the I-12 crossing, and Blind River to the rivers eligible for clearing and snagging and dredging operations permitted by the Dept. of Wildlife and Fisheries.

Effective June 30, 2018.

(Amends R.S. 56:1855(O))

Comite River (Act 163)

New law provides that beginning Aug. 1, 2018, through Aug. 1, 2021, no provision of prior law can prohibit the channelization, clearing and snagging, channel realignment, reservoir construction, or dredging operations for drainage purposes in the Comite River.

New law provides that no evaluation or permit will be required for the channelization, clearing and snagging, channel realignment, reservoir construction, or dredging operations for drainage purposes in the Comite River.

New law provides that beginning Aug. 1, 2018, through Aug. 1, 2021, use of a motor vehicle or other wheeled or tracked vehicle on the Comite River shall be prohibited, except for permitted uses, and direct crossings by immediately adjacent landowners, lessees, or other persons who have written permission from the landowner to access adjoining tracts of land, for noncommercial activities in a manner that does not directly and significantly degrade the ecological integrity of the stream. Written permission must be in the person's possession and include the landowner's contact information.

Effective August 1, 2018.

(Adds R.S. 56:1855(P))