

SENATE BILL NO. 189

BY SENATOR BROOME

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

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part VI-B of Chapter 20 of Title 37 of the Louisiana Revised Statutes of  
10 1950, comprised of R.S. 37:1742.1, is hereby enacted to read as follows:

11 **PART VI-B. DISCLOSURE BY PURVEYORS OF**

12 **FOOD, DIETARY SUPPLEMENTS, OR HOMEOPATHIC REMEDIES**

13 **§1742.1. Disclosure of purveyors of food, dietary supplements, or homeopathic**  
14 **remedies**

15 **A. Any person who is a vendor of food, dietary supplements, or**  
16 **homeopathic remedies, hereinafter referred to as "vendor," who provides**  
17 **information or makes recommendations regarding food, dietary supplements,**  
18 **or homeopathic remedies, for a consulting fee but who is not licensed as a health**  
19 **care provider as defined in R.S. 37:1744(A)(2) or a dietician as defined in R.S.**  
20 **37:3083 shall, prior to providing such services, disclose to the consumer in a**

1 plainly worded statement all of the following:

2 (1) The name, business, and telephone number of the vendor.

3 (2) The fact that he or she is not licensed, certified, or registered as a  
4 health care provider in the state of Louisiana.

5 (3) That the food, dietary supplements, or homeopathic remedies being  
6 recommended are not drugs.

7 (4) If applicable, the degree or degrees, training, or credentials of the  
8 vendor along with the fact that Louisiana does not currently license a person  
9 holding such degree or degrees, training, or credentials.

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

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

20 D. This Section shall not apply to health care providers who are licensed  
21 in the state of Louisiana and who provide information and make  
22 recommendations regarding food, dietary supplements, or homeopathic  
23 remedies for a fee.

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

29 F. A person providing information or recommendations for a fee who  
30 is acting under and in compliance with this Section shall not be in violation of

1            **R.S. 37:1271 for providing information or making recommendations regarding**  
2            **food, dietary supplements, or homeopathic remedies.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_