
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Present law provides that the attorney general has the authority to protect the public, investigate and restrain unfair or deceptive trade practices.

Proposed law retains present law and provides that it will be an unfair or deceptive trade practice for any retail business to sell or distribute any goods or services which are labeled with an age restriction or recommendation on the packaging to any person who is under the restricted or recommended age.

Proposed law retains present law and provides that it will be an unfair or deceptive trade practice for any retail business to sell or distribute any goods or services which are advertised with an age restriction or recommendation to a person who is under the restricted or recommended age.

Proposed law provides that, prior to the sale or distribution of any goods or services which has an age restriction, the merchant will require the purchaser to provide a driver's license or government identification card to establish the age of the purchaser or recipient.

Proposed law provides that any retail establishment, which sells or distributes goods or services which are labeled or advertised with an age restriction or recommendation, will post a sign on the door of the establishment and at the cash register which reads as follows:

"We card! The sale or distribution of any goods or services which has an age restriction or recommendation will not be sold to any person without a valid driver's licenses or state issued identification card."

Proposed law provides that the owner of a retail establishment will not be held liable for the unfair trade practice if the owner participates in the responsible vendor program and the employee, who provided the goods or services, timely attended the training program in order to determine when identification cards are valid.

Proposed law provides that the violator shall not be held liable if the buyer intentionally misrepresented the buyer's age by presenting false identification at the time the goods or services was provided.

Proposed law provides that the violation shall be an unfair or deceptive trade practice if the employee sells or distributes the restricted item, without verifying age, for a third or subsequent time.

Proposed law provides that a violation of proposed law will be considered a violation of the Unfair Trade Practices and Consumer Protection Law which imposes a penalty of a fine of not

more than \$5,000.

Effective January 1, 2010.

(Adds R.S. 51:1427)