

2022 Regular Session

HOUSE BILL NO. 735

BY REPRESENTATIVE AMEDEE

CONSUMERS/PROTECTION: Provides relative to indemnified products

1 AN ACT

2 To enact R.S. 51:1429 through 1429.3, relative to consumer protection; to provide for
3 definitions; to provide for indemnified products; to provide for the recommendation
4 of indemnified products by certain individuals and entities; to provide for a
5 complaint process; to provide for a penalty; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 51:1429 through 1429.3 are hereby enacted to read as follows:

8 §1429. Definitions

9 A. For the purposes of this Section, the following terms have the meaning
10 ascribed to them in this Subsection:

11 (1) "Consumer" means a person who uses, purchases, or leases goods or
12 services.

13 (2) "Educational institution" means a school, including a technical, trade, or
14 vocational school, junior college, college or university that meets one or more of the
15 following criteria:

16 (a) Is operated or directly supported by the United States.

17 (b) Is operated or directly supported by any state or local government or by
18 a political subdivision of any state or local government.

19 (c) Is approved by a state agency or subdivision of the state.

1 (d) Is accredited by a state- recognized or nationally recognized accrediting
2 body.

3 (3) "Employer" means a person, association, legal or commercial entity, the
4 state, or any state agency, board, commission, or political subdivision of the state
5 receiving services from an employee and, in return, giving compensation of any kind
6 to an employee.

7 (4) "Employment" means any services including service in interstate
8 commerce, performed for wages or under any contract of hire, written or oral,
9 expressed or implied.

10 (5) "Employment opportunity" means the state of being engaged in an
11 activity or service for wages or salary.

12 (6) "Government agency" means an administrative unit of a local, state, or
13 federal government.

14 (7) "Guardian" means an individual who is legally responsible for the care
15 of a child or an adult who does not have the capacity for self-care.

16 (8) "Harassment" means a course of conduct which threatens, intimidates,
17 alarms, or puts an individual in fear of his safety.

18 (9) "Loss of employment" means an employment termination other than the
19 discharge for cause, voluntary separation, or retirement.

20 (10) "Private education" means an education provided by a private individual
21 or organization rather than by the state or a public body.

22 (11) "Promotion" means an increase in an employee's rank or position or rate
23 of pay.

24 (12) "Public education" means education that is funded by public funds,
25 usually government-imposed taxes.

26 §1429.1. Government agencies, employers, and educational institutions;
27 certain recommendations to consumers; prohibition

1 A. For the purposes of this Section, a government agency, employer, private
2 business, or educational institution shall be prohibited from mandating liability-free
3 products that would result in any of the following:

4 (1) A consumer's loss of employment, employment opportunity, or
5 promotion.

6 (2) A consumer's loss of the ability to receive a public or private education.

7 B. A consumer or guardian of a consumer shall have the right to decline an
8 indemnified product that an employer, government agency, private business, or
9 educational institution recommends to the consumer without incurring harassment,
10 loss of employment, loss of an employment opportunity, promotion, or the ability to
11 receive a private or public education.

12 C. Any government agency, employer, private business, or educational
13 institution that recommends liability-free products shall clearly disclose to the
14 consumer or to the guardian of the consumer that the manufacturer or individuals
15 recommending and administering the recommended indemnified product are
16 shielded from lawsuits if a consumer is harmed by the indemnified product.

17 §1429.2. Complaint process

18 A. The office of the attorney general or the appropriate division within that
19 office may institute a case of this nature if loss of or a threat of loss of employment,
20 promotion, employment opportunity or the loss of the ability to receive a public or
21 private education or harassment occurs due to a consumer or guardian of a consumer
22 declining an indemnified product that an employer or government agency has
23 recommended.

24 B.(1) An employer, government agency, private business, or education
25 institution that recommends an indemnified product to a consumer without clearly
26 disclosing that the product is indemnified shall be fined two hundred fifty dollars per
27 each offense.

28 (2) The fine required by Paragraph (1) of this Subsection may be imposed
29 by the office of the attorney general or the appropriate division within that office.

1 §1429.3. Public policy

2 A. Any provision of a contract or agreement that purports to waive or limit

3 in any way a consumer's right under this Chapter, including but not limited to any

4 right to a remedy or means of enforcement, shall be deemed contrary to public policy

5 and shall be voided and unenforceable.

6 B. Nothing in this Section shall prevent a consumer or a guardian of a

7 consumer from declining an indemnified product that is recommended by an

8 employer, government agency, private business, or educational institution.

9 Section 2. This Act shall be known and may be cited as the "Consumer Protection

10 From Indemnified Products Act".

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 735 Original

2022 Regular Session

Amedee

Abstract: Provides relative to indemnified products recommended to consumers by an employer, government agency, private business, or educational institution.

Proposed law defines "consumer", "educational institution", "employer", "employment", "employment opportunity", "government agency", "guardian", "harassment", "loss of employment", "private education", "promotion", and "public education".

Proposed law provides that a government agency, employer, private business, or educational institution is prohibited from mandating liability-free products that would result in a consumer's:

- (1) Loss of employment, employment opportunity, or promotion; or
- (2) Loss of the ability to receive a public or private education.

Proposed law provides that a consumer or guardian of a consumer shall have the right to decline an indemnified product recommended by an employer, governmental agency, private business, or educational institution without incurring harassment, loss of employment, loss of an employment opportunity, promotion, or the ability to receive a private or public education.

Proposed law provides that a government agency, employer, private business, and educational institution that recommends liability-free products must clearly disclose to the consumer or guardian of the consumer that they are shielded from lawsuits if a consumer is harmed by the indemnified product.

Proposed law provides that the office of the attorney general may institute a case against an employer or government agency for their recommendations of an indemnified product, if the consumer suffered a loss of or a threat of loss of employment, promotion, employment

opportunity, or the loss of the ability to receive a public or private education or harassment occurs for declining the indemnified product.

Proposed law provides that the attorney general's office may institute a fine of \$250 for failure to disclose that the product is indemnified.

Proposed law provides that nothing in proposed law shall prevent a consumer or a guardian of a consumer from declining an indemnified product that is recommended by an employer, government agency, private business, or educational institution.

Proposed law provides that proposed law shall be known and may be cited as the "Consumer Protection From Indemnified Products Act".

(Adds R.S. 51:1429-1429.3)