

2026 Regular Session

HOUSE BILL NO. 422

BY REPRESENTATIVE MCMAKIN

LABOR: Enacts the Behind the Counter Safety Act

1 AN ACT

2 To enact Part III of Chapter 3 of Title 23 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 23:271 through 278, relative to workplace violence in retail and
4 food service establishments; to establish the Behind the Counter Safety Act; to
5 provide definitions; to provide for workplace violence prevention plans; to require
6 signage; to require incident reporting; to provide for the dispensing of public
7 information and resources on workplace violence; to prohibit retaliatory practices for
8 reporting workplace violence; to provide for enforcement; to provide for penalties;
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part III of Chapter 3 of Title 23 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 23:271 through 278, is hereby enacted to read as follows:

13 PART III. BEHIND THE COUNTER SAFETY ACT

14 §271. Short Title

15 This Part shall be known and may be cited as the "Behind the Counter Safety
16 Act".

17 §272. Definitions

18 As used in this Part, the following terms have the meanings ascribed to them:

19 (1) "Department" means Louisiana Works.

1 (2)(a) "Regulated establishment" means any retail store, convenience store,
2 pharmacy, restaurant, fast food outlet, gas station with a food or retail counter, or
3 other licensed commercial establishment in this state where employees regularly
4 interact with the public at a service counter or cash register for the sale of goods or
5 food for consumption on or off premises.

6 (b) "Regulated establishment" does not include establishments primarily
7 engaged in office-based or nonpublic-facing operations and regulated entities as
8 provided for in R.S. 40:2199.11 et seq.

9 (3) "Workplace violence" means any act of violence or credible threat of
10 violence, including but not limited to assault, battery, robbery, intimidation, verbal
11 abuse, threats with a weapon, or any conduct that places an employee in reasonable
12 fear of physical harm, directed at the employee while performing duties at the
13 establishment.

14 §273. Workplace violence prevention plans; requirements

15 A. Each regulated establishment shall develop, implement, and maintain a
16 written workplace violence prevention plan specific to its location and operations.

17 B. The workplace violence prevention plan shall include, at a minimum, all
18 of the following:

19 (1) Procedures for identifying and assessing potential risks that may lead to
20 workplace violence, such as handling cash payments, working night shifts, working
21 at isolated counters, or working in high crime areas.

22 (2) Engineering controls and safety measures, such as panic buttons, bullet-
23 resistant enclosures, adequate lighting, clear sight lines to entrances and exits, video
24 surveillance, drop safes to limit accessible cash, time delay safes, and audible alarms.

25 (3) Administrative controls, such as employee training on de-escalation,
26 recognizing warning signs, emergency procedures, and response protocols.

27 (4) A system for incident reporting, investigation, and correction action.

28 (5) Procedures for post-incident support, including access to counseling or
29 leave.

1 C. Each regulated establishment shall review and update its workplace
2 violence prevention plan at least annually and after any significant incident.

3 D. All employees, including temporary and part-time employees, shall
4 receive orientation and annual training on the workplace violence prevention plan.

5 §274. Signage required

6 A. Each regulated establishment shall display at its premises at least one sign
7 that conforms to the specifications of Subsection B of this Section and contains the
8 following statement in forty-eight boldface font:

9 "WARNING: Violence, threats, or abuse against an employee is a crime and will not be
10 tolerated. Such acts may result in arrest and felony conviction under Louisiana law."

11 B. Each sign displayed in accordance with the requirements of this Section
12 shall conform to all of the following specifications:

13 (1) The sign shall be posted in a conspicuous location and visible to the
14 public near the entrance and counter area.

15 (2) The sign shall be at least eleven inches tall by eighteen inches wide.

16 §275. Incident reporting required

17 A. Each regulated establishment shall report any instances of workplace
18 violence to local law enforcement and to its internal reporting system as provided in
19 the workplace violence prevention plan.

20 B. If the incident results in an injury, involves a weapon, or poses an
21 immediate threat to safety, the regulated establishment shall notify the department
22 as soon as practicable, however no later than twenty-four hours after the incident,
23 and provide details for tracking trends.

24 C. The department shall maintain aggregated, anonymized data on all
25 reported incidents.

26 §276. Workplace violence; public information and resources

27 A. The department shall develop, publish, and maintain public information
28 regarding the issue of workplace violence in retail and food service establishments
29 on its website.

1 B. The information provided by the department pursuant to this Section shall
2 include, at a minimum, all of the following:

3 (1) A listing of best practices, toolkits, and resources on the issue of
4 workplace violence from governmental and private authorities, including without
5 limitation, the Occupational Safety and Health Administration, the National Institute
6 for Occupational Safety and Health, and other organizations that report on
7 occupational health and safety regulations.

8 (2) Actions that regulated establishments may take and policies such
9 establishments may adopt to prevent, respond to, report, and mitigate workplace
10 violence.

11 (3) A checklist of items for regulated establishments to consider when
12 developing a workplace violence prevention plan.

13 (4) A downloadable example of text that complies with the provisions of
14 R.S. 23:274 relative to signage requirements.

15 (5) A mechanism for anonymous reporting for noncompliance.

16 §277. Retaliation in connection with reporting workplace violence; prohibition

17 No regulated establishment shall discharge, demote, suspend, threaten,
18 harass, or otherwise retaliate against any employee for good faith reporting of
19 workplace violence, cooperating in an investigation, or participating in prevention
20 activities. The employee protections provided for in this Section shall be in addition
21 to, and shall not replace, any protections conferred by the provisions of this Title.

22 §278. Enforcement; penalties

23 A. The department shall inspect regulated establishments to ensure
24 compliance with the provisions of this Part and issue citations for any violations of
25 this Part. The department is authorized and directed to promulgate rules and
26 regulations in accordance with the Administrative Procedure Act as necessary for the
27 implementation of the provisions of this Part.

28 B. Whoever commits the offense of unlawful disruption of the operation of
29 a regulated establishment shall be fined not more than one thousand dollars or

1 imprisoned with or without hard labor, for not less than one year nor more than five
2 years, or both.

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 422 Original

2026 Regular Session

McMakin

Abstract: Enacts the Behind the Counter Safety Act, which addresses workplace violence in retail and food service establishments.

Proposed law states that proposed law shall be known and may be cited as the "Behind the Counter Safety Act".

Proposed law defines "department", "regulated establishment" and "workplace violence".

Proposed law requires each regulated establishment to develop, implement, and maintain a written workplace violence prevention plan specific to its location and operations.

Proposed law requires the workplace violence plan to include, at a minimum, all of the following:

- (1) Procedures for identifying and assessing potential risks that may lead to workplace violence, such as handling cash payments, working night shifts, working at isolated counters, or working in high crime areas.
- (2) Engineering controls and safety measures, such as panic buttons, bullet-resistant enclosures, adequate lighting, clear sight lines to entrances and exits, video surveillance, drop safes to limit accessible cash, time delay safes, and audible alarms.
- (3) Administrative controls, such as employee training on de-escalation, recognizing warning signs, emergency procedures, and response protocols.
- (4) A system for incident reporting, investigation, and correction action.
- (5) Procedures for post-incident support, including access to counseling or leave.

Proposed law requires a regulated establishment to review and update its workplace violence prevention plan every year and after any significant incident.

Proposed law requires all employees, including temporary and part-time employees, to receive orientation and annual training on the workplace violence prevention plan.

Proposed law requires each regulated establishment to display at its premises a sign that conforms to certain specifications and contain the following statement in 48 boldface font:

"WARNING: Violence, threats, or abuse against an employee is a crime and will not be tolerated. Such acts may result in arrest and felony conviction under Louisiana law."

Proposed law provides the following specifications that the aforementioned sign must adhere to:

- (1) The sign shall be posted in a conspicuous location and visible to the public near the entrance and counter area.
- (2) The sign shall be at least 11 inches tall by 18 inches wide.

Proposed law requires a regulated establishment to report any instances of workplace violence to local law enforcement and its internal reporting system as provided in the workplace violence prevention plan.

Proposed law requires the regulated establishment to notify La. Works as soon as practicable, but no later than 24 hours, for any incident that results in injury, involves a weapon, or poses an immediate threat to safety.

Proposed law requires La. Works to maintain aggregated, anonymized data on all reported incidents.

Proposed law requires La. Works to develop, publish, and maintain public information regarding the issue of workplace violence in retail and food service establishments on its website.

Proposed law requires La. Works to address in the published public information the following:

- (1) A listing of best practices, toolkits, and resources on the issue of workplace violence from governmental and private authorities, including, without limitation, the Occupational Safety and Health Administration, the National Institute for Occupational Safety and Health, and other organizations that report on occupational health and safety regulations.
- (2) Actions that regulated establishments may take and policies such establishments may adopt to prevent, respond to, report, and mitigate workplace violence.
- (3) A checklist of items for regulated establishments to consider when developing a workplace violence prevention plan.
- (4) A downloadable example of text that complies with signage requirements.
- (5) A mechanism for anonymous reporting for non-compliance.

Proposed law prohibits a regulated establishment from discharging, demoting, suspending, threatening, harassing, or otherwise retaliating against any employee for good faith reporting of workplace violence, cooperating in an investigation, or participating in prevention activities.

Proposed law requires La. Works to inspect regulated establishments in order to ensure compliance with proposed law and to issue citations for any violations of proposed law.

Proposed law authorizes and directs La. Works to promulgate any rules and regulations necessary to implement proposed law.

Proposed law provides penalties for anyone who disrupts the operation of a regulated establishment.

(Adds R.S. 23:271-278)