The original instrument was prepared by Michelle D. Ridge. The following digest, which does not constitute a part of the legislative instrument, was prepared by Beth O'Quin.

DIGEST 2020 Regular Session

Cloud

<u>Present law</u> provides that unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

<u>Proposed law</u> provides that no person in any advertisement shall make, or permit to be made, a false, misleading, or deceptive statement about a monetary result obtained on behalf of a client or fail to disclose information necessary to prevent the information supplied in an advertisement from being false, misleading, or deceptive.

<u>Proposed law</u> defines "actually received", "advertisement", "media entity", "monetary result obtained", "false, misleading, or deceptive statement", and "person".

Proposed law excludes a media entity as a person.

SB 395 Engrossed

<u>Proposed law</u> provides that any violation of <u>proposed law</u> shall be an unfair or deceptive trade practice declared unlawful and shall subject the violator to any and all actions and penalties pursuant to the Unfair Trade Practices and Consumer Protection Law. <u>Proposed law</u> provides that each iteration of an advertisement constitutes an unfair or deceptive trade practice.

<u>Proposed law</u> does not apply to any advertisement agency or media entity responsible for the production or publication of any advertisement found to violate <u>proposed law</u>.

<u>Proposed law</u> does not apply to a media entity that is responsible for the carriage, distribution, transmission, or display of any advertisement found to violate <u>proposed law</u>.

<u>Proposed law</u> provides that in addition to all other remedies provided in the Unfair Trade Practices and Consumer Protection Law, any person who is found to have made, or to have permitted to be made on his behalf, a false, misleading, or deceptive statement under the provisions of <u>proposed law</u> shall be liable to the attorney general for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees.

<u>Proposed law</u> provides that an action to recover costs, expenses, fees, and attorney fees shall be ancillary to and shall be filed and heard in the same court as a civil action filed for the unfair or deceptive trade practice.

The remedies and rights provided in <u>proposed law</u> are in addition to and shall not preclude any right or remedy otherwise authorized by law, including the enforcement of professional rules against the person by any licensing board or court.

Effective August 1, 2020.

(Adds R.S. 51:1429)

Summary of Amendments Adopted by Senate

<u>Committee Amendments Proposed by Senate Committee on Commerce, Consumer</u> Protection, and International Affairs to the original bill

- 1. Adds a definition for "media entity" that includes a radio broadcast station, television broadcast station, cable television company, newspaper company, periodical company, billboard company, or bona fide news or public interest website operator.
- 2. Adds to the definition of "person" that a media entity is not considered a person.
- 3. Adds a provision that a media entity that produces or publishes any advertisement for legal services, shall not be in violation of an unfair or deceptive trade practice that has been declared unlawful by this Chapter.
- 4. Adds a provision that the carriage, distribution, transmission or display of any advertisement for legal services by a media entity, shall not be in violation of an unfair or deceptive trade practice that has been declared unlawful by this Chapter.