RÉSUMÉ DIGEST

ACT 570 (HB 853) **2026 Regular Session** **McMakin**

Prior law provided that a solicitation by a nongovernmental entity, for the purchase of or payment for a product or service, which is in the form of and reasonably could be interpreted or construed as a bill, invoice, or statement of account due, but constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both, shall not contain any material which:

(1) Reasonably could be interpreted or construed as implying any La. state government connection, approval, or endorsement through the use of a seal, insignia, or name of a state agency, department, commission, or program, or a citation to a state statute.

(2) Contains any reference to or a citation to a state statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the La. state government.

(3) Reasonably could be construed by a business registered with the secretary of state as implying any connection with the secretary of state or requiring payment or additional action to remain in good standing as a business registered with the secretary of state.

New law amends prior law and instead provides that a solicitation by a nongovernmental entity, for the purchase of or payment for a product or service, a solicitation for the order by the addressee of goods or services, or both, qualifies as a misleading solicitation if it meets any of the following criteria:

(1) Reasonably could be interpreted or construed as falsely implying any local, state, or federal government connection, approval, or endorsement through the use of a seal, insignia, or name of a government agency, department, commission, or program, or a citation to a state or federal law.

(2) Contains any reference to or a citation to a state statute or federal code that misrepresents either the identity of the mailer or the protection or status afforded such matter by any government entity.

(3) Reasonably could be construed by a business registered with the secretary of state as implying any connection with the secretary of state or requiring payment or additional action to remain in good standing as a business registered with the secretary of state.

(4) Contains phrases such as "final notice", "immediate response requested", "official notification", or any similar language, unless the individual or entity has an existing business relationship with the solicitee.

(5) Contains an offer for goods and services that result in a subscription service, automatic renewals, or continuous services that are not clearly and conspicuously disclosed within the communication to the consumer.

Prior law required additional disclaimers for solicitations.

New law amends prior law to provide that certain disclaimers are only required for solicitation if considered a misleading solicitation.

Prior law provided for what shall be included in the disclaimer on each solicitation.

New law removes references to La. State in the disclaimer.

New law provides for what each solicitation shall bear, on the outer envelope, if one exists.

New law provides for what solicitations that utilize a subscription, automatic renewal, or continuous service shall include in the disclaimer.

Prior law provided that any solicitation in violation of existing and prior law shall subject the violator to a civil fine of not more than $1000 per violation. The attorney general shall bring proceedings to recover all fines due pursuant to existing and prior law. The remedies and penalties provided in existing and prior law shall be cumulative to all other remedies and penalties provided by law.

New law clarifies that existing and new law shall apply to misleading solicitations in violation of certain provisions of existing and new law and that the fine shall apply per violation in each solicitation. New law also removes the requirement that the attorney general bring proceedings to recover all fines due.

New law provides that whoever violates existing and new law may be liable to the solicitee for civil damages in the amount of three times their losses, plus reasonable attorney fees and costs pursuant to existing law (La. Unfair Trade Practices and Consumer Protection Law).

New law provides that each violation constitutes an unfair or deceptive act or practice in trade or commerce for purposes of existing law (La. Unfair Trade Practices and Consumer Protection Law) and shall subject the violator to all actions, remedies, and penalties therein.

New law provides for exceptions to existing and new law.

Effective August 1, 2026.

(Amends R.S. 51:391)