

2021 Regular Session

# ACT No. 60

HOUSE BILL NO. 23

BY REPRESENTATIVE CHARLES OWEN

1

## AN ACT

2

To repeal Subpart E of Part II of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, comprised of R.S. 14:47 through 50, and R.S. 15:443, relative to offenses against a person; to repeal provisions relative to defamation, presumption of malice, qualified privilege, and absolute privilege.

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Be it enacted by the Legislature of Louisiana:

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Section 1. Subpart E of Part II of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, comprised of R.S. 14:47 through 50, and R.S. 15:443 are hereby repealed in their entirety.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2021 Regular Session

# ACT No. 80

HOUSE BILL NO. 697 (Substitute for House Bill No. 628 by Representative Stefanski)

BY REPRESENTATIVES STEFANSKI, BOURRIAQUE, BRASS, BROWN, BRYANT,  
DESHOTEL, FONTENOT, HOLLIS, JEFFERSON, TRAVIS JOHNSON,  
LACOMBE, MARINO, PIERRE, AND STAGNI

1 AN ACT

2 To amend and reenact R.S. 13:4721, R.S. 14:90.5(A) through (C), R.S. 27:3(10), (15), (17),  
3 and (19), 15(D) and (E), 29.1(D) and (E), 29.2(A), (B), (D), and (E), 29.3(A),  
4 29.4(D), R.S. 47:9001, 9002, 9006(B), 9009(B)(1) and (C), 9010(E), 9015(D), and  
5 9029(A)(1) and to enact R.S. 14:90(E) and 90.3(K), R.S. 27:92(D), Part IV of  
6 Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950, to be comprised  
7 of R.S. 27:621 through 627, and Chapter 10 of Title 47 of the Louisiana Revised  
8 Statutes of 1950, to be comprised of R.S. 47:9091 through 9107, relative to sports  
9 wagering; to provide for definitions; to authorize sports wagering; to require certain  
10 licenses and permits; to require certain fees; to levy certain taxes; to provide relative  
11 to the administration of sports wagering gaming; to provide relative to duties and  
12 powers of the Louisiana Gaming Control Board; to provide relative to duties and  
13 powers of the gaming division in the office of state police; to provide relative to  
14 duties and powers of the Louisiana Lottery Corporation; to provide for the collection  
15 and disposition of certain monies; to create the Sports Wagering Enforcement Fund;  
16 to create the Lottery Sports Wagering Fund; to authorize electronic sports wagering;  
17 to provide for a public records exception; to provide relative to legislative intent; to  
18 provide relative to administrative rules; to provide relative to contracts; to provide  
19 relative to suitability; to provide relative to sports wagering mechanisms; to provide  
20 relative to sports wagering winnings and prizes; to provide relative to sports  
21 wagering tickets; to provide relative to state revenues; to provide relative to  
22 gambling houses; to provide relative to gambling; to provide for certain

1 requirements, conditions, and limitations; to provide for effectiveness; and to provide  
2 for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 13:4721 is hereby amended and reenacted to read as follows:

5 §4721. Gambling houses; definition; declared public nuisances

6 A. For the purposes of this ~~Sub-part~~, Subpart, or for the purposes of any  
7 action or prosecution ~~hereunder~~ in this Section, a gambling house is either:

8 (1) ~~any~~ Any place ~~whatever~~ whatsoever where any game of chance of any  
9 kind or character is played for money, for wagers, or for tokens, and where the  
10 conduct of such place operates, directly or indirectly, to the profit of one or more  
11 individuals and not exclusively to the direct profit of the actual participants in such  
12 game; ~~and~~.

13 (2) ~~any~~ Any place whatsoever where races, athletic contests, ~~and~~ sports, and  
14 games are not actually held and where opportunity is afforded for wagering upon  
15 races, athletic contests, sports, and games of chance.

16 B. All gambling houses as ~~herein~~ defined in this Section are declared to be  
17 public nuisances, and the ~~owner~~ owners thereof, and the ~~agent~~ agents for such ~~owner~~,  
18 owners, or the ~~lessee, sublessee~~ lessees, sublessees, or other occupants thereof are  
19 declared to be guilty of maintaining a public nuisance.

20 C. The provisions of this Subpart shall not apply to any place where sports  
21 wagering is conducted in accordance with Chapter 10 of Title 47 of the Louisiana  
22 Revised Statutes of 1950.

23 Section 2. R.S. 14:90.5(A) through (C) are hereby amended and reenacted and R.S.  
24 14:90(E) and 90.3(K) are hereby enacted to read as follows:

25 §90. Gambling

26 \* \* \*

27 E. Sports wagering shall not be considered gambling for purposes of this  
28 Section so long as the wagering is conducted in compliance with Chapter 10 of Title  
29 47 of the Louisiana Revised Statutes of 1950.

30 \* \* \*

1 §90.3. Gambling by computer

2 \* \* \*

3 K. Sports wagering shall not be considered gambling by computer for  
4 purposes of this Section so long as the wagering is conducted in compliance with  
5 Chapter 10 of Title 47 of the Louisiana Revised Statutes of 1950.

6 \* \* \*

7 §90.5. Unlawful playing of gaming devices by persons under the age of twenty-one;  
8 underage persons, penalty

9 A. It is unlawful for any person under twenty-one years of age to play casino  
10 games, gaming devices, or slot machines or to place a wager on a sports event.

11 B. No person under the age of twenty-one, except an emergency responder  
12 acting in his official capacity, shall enter, or be permitted to enter, the designated  
13 gaming area of a riverboat, the designated gaming area of the official gaming  
14 establishment, or the designated ~~slot machine~~ gaming area of a pari-mutuel wagering  
15 facility which offers live horse racing licensed for operation and regulated under the  
16 applicable provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised  
17 Statutes of 1950.

18 C.(1) For purposes of this Section, "casino games, gaming devices, or slot  
19 machines" means a game or device, as defined in ~~R.S. 27:44(10) or (12), 205(12) or~~  
20 ~~(13), or 353(14)~~ R.S. 27:44, 205, or 353 operated on a riverboat, at the official  
21 gaming establishment, or at a pari-mutuel wagering facility which offers live horse  
22 racing which is licensed for operation and regulated under the provisions of Chapters  
23 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

24 (2) For purposes of this Section, "place a wager on a sports event" shall apply  
25 to wagers attempted to be or actually placed via a self-service sports wagering  
26 mechanism, or via a mobile application as defined in R.S. 47:9002 and operations  
27 are regulated under the provisions of Chapter 10 of Title 47 of the Louisiana Revised  
28 Statutes of 1950.

29 \* \* \*

1 Section 3. R.S. 27:3(10), (15), (17), and (19) , 15(D) and (E), 29.1(D) and (E),  
2 29.2(A), (B), (D), and (E), 29.3(A), and 29.4(D) are hereby amended and reenacted and R.S.  
3 27:92(D) and Part IV of Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950,  
4 comprised of R.S. 27:621 through 627, are hereby enacted to read as follows:

5 §3. Definitions

6 For the purposes of this Title, the following terms have the following  
7 meanings, unless the context clearly indicates otherwise:

8 \* \* \*

9 (10) "Gaming supplier" means any person who supplies, sells or leases, or  
10 contracts to sell or lease, gaming devices, equipment, or supplies to a holder of a  
11 license as defined in ~~R.S. 27:44(14), R.S. 27:353(5)~~, R.S. 27:44, 353, or 602, or to  
12 the casino gaming operator. "Gaming supplier" shall also include any person or  
13 entity that supplies geolocation, geofencing, or patron identification services to the  
14 holder of a license as defined in R.S. 27:44, 353, or 602, or to the casino gaming  
15 operator.

16 \* \* \*

17 (15) "Key gaming employee" or "managerial employee" means an employee,  
18 agent, or representative of the casino gaming operator, or of a holder of a license as  
19 defined in ~~R.S. 27:44(14), R.S. 27:353(5)~~, R.S. 27:44, 353, or 602, or a permittee  
20 whether or not a gaming employee who, in the opinion of the board or division,  
21 holds or exercises critical or significant management or operating authority over the  
22 casino gaming operator, or of a holder of a license as defined in ~~R.S. 27:44(13), R.S.~~  
23 ~~27:353(6)~~, R.S. 27:44, 353, or 602, or a permittee.

24 \* \* \*

25 (17) "Non-key gaming employee" means a person employed in the operation  
26 of a gaming activity and includes employees empowered to make discretionary  
27 decisions that regulate gaming activities, and any individual whose employment  
28 duties require or authorize access to designated gaming areas of a licensee as defined  
29 in ~~R.S. 27:44(14), R.S. 27:353(5)~~, R.S. 27:44, 353, or 602, or the official gaming

1 establishment, other than non-gaming equipment maintenance personnel, cleaning  
2 personnel, waiters, waitresses, and secretaries.

3 \* \* \*

4 (19) "Non-gaming supplier" means any person who sells, leases, or otherwise  
5 distributes, directly or indirectly, goods or services other than gaming equipment and  
6 supplies to the holder of a license, as defined in ~~R.S. 27:44(14)~~, ~~R.S. 27:353(5)~~, R.S.  
7 27:44, 353, or 602, or the casino gaming operator.

8 \* \* \*

9 §15. Board's authority; responsibilities

10 \* \* \*

11 D. In addition to or in lieu of the revocation or suspension of a license or  
12 permit issued pursuant to the provisions of the Louisiana Riverboat Economic  
13 Development and Gaming Control Act, the Louisiana Economic Development and  
14 Gaming Corporation Act, the Pari-mutuel Live Racing Facility Economic  
15 Redevelopment and Gaming Control Act, the Louisiana Sports Wagering Act, and  
16 this Chapter, the board may impose upon the casino gaming operator or the holder  
17 of a license as defined in R.S. 27:44 ~~or~~, 353, or 602, or a permittee a civil penalty not  
18 to exceed one hundred thousand dollars for each violation of any provision of the  
19 Louisiana Riverboat Economic Development and Gaming Control Act, the Louisiana  
20 Economic Development and Gaming Corporation Act, the Louisiana Pari-mutuel  
21 Live Racing Facility Economic Redevelopment and Gaming Control Act, the  
22 Louisiana Sports Wagering Act, this Chapter, or any rule or regulation of the board.  
23 Payment of the civil penalty shall be a requirement for the retention of any permit,  
24 certificate, or license held by the entity which violated any such provisions. If the  
25 licensee contests the imposition of the civil penalty, the penalty shall be imposed  
26 only after an adjudicatory hearing is conducted pursuant to R.S. 27:25 and a basis for  
27 imposition of the penalty is determined to exist.

28 E. The board by rule may adopt a schedule of penalties for violations of the  
29 Louisiana Riverboat Economic Development and Gaming Control Act, the Louisiana  
30 Economic Development and Gaming Corporation Act, the Pari-mutuel Live Racing

1 Facility Economic Redevelopment and Gaming Control Act, the Louisiana Sports  
2 Wagering Act, this Chapter, or any rule or regulation of the board. Any such rules  
3 shall be adopted pursuant to the Administrative Procedure Act and as otherwise  
4 provided in this Chapter.

5 \* \* \*

6 §29.1. Manufacturer; permits

7 \* \* \*

8 D. The annual fee for a manufacturer of slot machines, sports wagering  
9 mechanisms, and video draw poker devices permit issued under the provisions of this  
10 Section is fifteen thousand dollars. This fee is required to be submitted at the time  
11 of application and on the anniversary date of the issuance of the permit thereafter.

12 E. The annual fee for a manufacturer of gaming equipment other than slot  
13 machines, sports wagering mechanisms, and video draw poker devices permit issued  
14 under the provisions of this Section is seven thousand five hundred dollars. This fee  
15 is required to be submitted at the time of application and on the anniversary date of  
16 the issuance of the permit thereafter.

17 §29.2. Gaming supplier permits

18 A. The board shall issue a gaming supplier permit to suitable persons who  
19 supply, sell, lease, or repair, or contract to supply, sell, lease, or repair gaming  
20 devices, equipment, and supplies to the holder of a license as defined in ~~R.S.~~  
21 ~~27:44(14), R.S. 27:353(5) or R.S. 27:44 or 353~~, the casino gaming operator, or a  
22 sports wagering operator as defined in R.S. 27:602. A person shall not supply, sell,  
23 lease, or repair ~~or contract to supply, sell, lease, or repair~~ gaming devices, equipment,  
24 and supplies unless they possess a valid gaming supplier permit.

25 B. Gaming devices, supplies, or equipment may not be distributed to the  
26 holder of a license as defined in ~~R.S. 27:44(14), R.S. 27:353(5) or a R.S. 27:44 or~~  
27 353, the casino gaming operator, a sports wagering operator as defined in R.S.  
28 27:602, or supplier unless such devices, equipment, or supplies conform to rules  
29 adopted by the board for such purpose.

30 \* \* \*

1 D. A supplier shall furnish to the board a list of any gaming equipment and  
 2 supplies offered by the supplier for sale or lease in connection with games authorized  
 3 under this Title. A supplier shall keep books and records for the furnishing of  
 4 gaming equipment and supplies to gaming operations separate and distinct from any  
 5 other business that the supplier might operate. A supplier shall file a quarterly return  
 6 with the board listing all sales and leases. A supplier shall permanently affix its name  
 7 to all its gaming devices, equipment, and supplies for gaming operations unless  
 8 otherwise authorized by the board. Any supplier's gaming devices, equipment, or  
 9 supplies which are used by any person in unauthorized gaming operations shall be  
 10 forfeited to the board. The holder of a license as defined in ~~R.S. 27:44(14), R.S.~~  
 11 ~~27:353(5), R.S. 27:44, 353, or 602,~~ and the casino gaming operator may own its own  
 12 gaming devices, equipment, and supplies. Each supplier, the holder of a license as  
 13 defined in ~~R.S. 27:44(14), R.S. 27:353(5),~~ R.S. 27:44, 353, or 602, and the casino  
 14 operator shall file an annual report with the board listing its inventories of gaming  
 15 devices, equipment, and supplies.

16 E.(1) The annual fee for a gaming supplier permit issued under the provisions  
 17 of this Section is three thousand dollars. This fee is required to be submitted at the  
 18 time of application and on the anniversary date of the issuance of the permit  
 19 thereafter.

20 (2) The fee provided for in this Section shall not apply to any suitable  
 21 business or legal entity that markets, buys, sells, leases, services, or repairs sports  
 22 wagering mechanisms in this state. The fee for the permit provided for in this Section  
 23 for such entities shall be provided for in R.S. 27:624.

24 (3) The fee provided for in this Section shall not apply to any suitable  
 25 business or legal entity that engages in support services for the operation of a sports  
 26 book on behalf of an operator in this state. The fee for the permit provided for in this  
 27 Section for such entities shall be provided for in R.S. 27:623.

28 §29.3. Non-gaming supplier permit

29 A.(1) The division shall issue a non-gaming supplier permit to suitable  
 30 persons who furnish services or goods and receive compensation or remuneration for



1 such goods or services to the holder of a license as defined in R.S. 27:44 ~~and~~ or 353,  
 2 or the casino gaming operator-, or a sports wagering operator as defined in R.S.  
 3 27:602. The board shall promulgate rules establishing the threshold amount of goods  
 4 and services for which a non-gaming supplier permit is required. Such services  
 5 include but are not limited to industries offering goods or services whether or not  
 6 directly related to gaming activity, including junket operators and limousine services  
 7 contracting with the holder of a license as defined in R.S. 27:44 ~~and~~ or 353, or the  
 8 casino gaming operator, or a sports wagering operator as defined in R.S. 27:602,  
 9 suppliers of food and nonalcoholic beverages, gaming employee or dealer training  
 10 schools, garbage handlers, vending machine providers, linen suppliers, or  
 11 maintenance companies. Any employee or dealer training school, other than  
 12 employee or training schools conducted by a licensee, or the casino gaming operator,  
 13 shall be conducted at an institution approved by the Board of Regents or the State  
 14 Board of Elementary and Secondary Education.

15 (2) Any person who, directly or indirectly, furnishes services or goods to the  
 16 holder of a license as defined in R.S. 27:44 ~~and~~ or 353, or the casino gaming  
 17 operator, or a sports wagering operator as defined in R.S. 27:602, regardless of the  
 18 dollar amount of the goods and services furnished or who has a business association  
 19 with the holder of a license as defined in R.S. 27:44 ~~and~~ or 353, or the casino  
 20 operator, or a sports wagering operator as defined in R.S. 27:602, may be required  
 21 by the board or division, where applicable, to be found suitable or apply for a non-  
 22 gaming supplier permit. Failure to supply all information required by the board or  
 23 division, where applicable, may result in a finding of unsuitability or denial of a non-  
 24 gaming supplier permit.

25 \* \* \*

26 §29.4. Key and non-key gaming employee permit

27 \* \* \*

28 D. The holder of a key or non-key gaming employee permit issued under this  
 29 Title shall be authorized to work in the capacity for which permitted for the holder

1 of a license as defined in ~~R.S. 27:44(14), R.S. 27:353(5), or R.S. 27:44 or 353~~, the  
2 casino gaming operator, or a sports wagering operator as defined in R.S. 27:602.

3 \* \* \*

4 §92. Collection and disposition of fees

5 \* \* \*

6 D. The provisions of this Section shall not apply to any monies collected  
7 relative to sports wagering.

8 \* \* \*

9 CHAPTER 10. SPORTS WAGERING

10 PART IV. FEES, TAXES, AND COLLECTIONS

11 §621. Sports wagering license fee

12 A. The initial application fee for a sports wagering license shall be two  
13 hundred fifty thousand dollars and shall be non-refundable. The initial application  
14 fee shall be submitted at the time of application.

15 B. The license fee for a sports wagering license issued pursuant to R.S.  
16 27:604, shall be five hundred thousand dollars. The license shall be for a term of  
17 five years. The license fee shall be submitted on the anniversary date of the issuance  
18 of the license every five years. The first license payment shall be submitted at the  
19 time of application.

20 C. The division shall collect all fees imposed or assessed pursuant to the  
21 provisions of this Section and deposit the fees into the Sports Wagering Enforcement  
22 Fund established in R.S. 27:626.

23 §622. Sports wagering platform provider permit fee

24 A. The initial application fee for a sports wagering platform provider permit  
25 shall be one hundred thousand dollars and shall be non-refundable. The initial  
26 application fee shall be submitted at the time of application.

27 B. The permit fee for a sports wagering platform provider permit issued  
28 pursuant to R.S. 27:605, shall be two hundred fifty thousand dollars. The permit shall  
29 be for a term of five years. The permit fee shall be submitted on the anniversary date

1           of the issuance of the permit every five years. The first permit payment shall be  
2           submitted at the time of application.

3           C. The division shall collect all fees imposed or assessed pursuant to the  
4           provisions of this Section and deposit the fees into the Sports Wagering Enforcement  
5           Fund established in R.S. 27:626.

6           §623. Sports wagering service provider permit fee

7           A. The initial application fee for a sports wagering service provider permit  
8           shall be ten thousand dollars and shall be non-refundable. The initial application fee  
9           shall be submitted at the time of application.

10          B. The permit fee for a sports wagering service provider permit issued  
11          pursuant to R.S. 27:29.2, shall be twelve thousand five hundred dollars. The permit  
12          shall be for a term of five years. The permit fee shall be submitted on the anniversary  
13          date of the issuance of the permit every five years. The first permit payment shall be  
14          submitted at the time of application.

15          C. The division shall collect all fees imposed or assessed pursuant to the  
16          provisions of this Section and deposit the fees into the Sports Wagering Enforcement  
17          Fund established in R.S. 27:626.

18          §624. Sports wagering distributor permit fee

19          A. The initial application fee for a sports wagering distributor permit shall  
20          be five thousand dollars and shall be non-refundable. The initial application fee shall  
21          be submitted at the time of application.

22          B. The permit fee for a sports wagering distributor permit issued pursuant  
23          to R.S. 27:29.2, shall be two thousand five hundred dollars. The permit shall be for  
24          a term of five years. The permit fee shall be submitted on the anniversary date of the  
25          issuance of the permit every five years. The first permit payment shall be submitted  
26          at the time of application.

27          C. The division shall collect all fees imposed or assessed pursuant to the  
28          provisions of this Section and deposit the fees into the Sports Wagering Enforcement  
29          Fund established in R.S. 27:626.

1           §625. State tax; levy

2                   A. There is hereby levied a ten percent tax upon the net gaming proceeds  
 3                   from sports wagering offered to consumers within this state pursuant to this Title  
 4                   conducted onsite at a licensed sports wagering establishment. Any sports wagering  
 5                   conducted through a mobile application or a website on the premises of a licensed  
 6                   sports wagering establishment shall be considered electronic wagering and shall be  
 7                   taxed pursuant to Subsection B of this Section.

8                   B. There is hereby levied a fifteen percent tax upon the net gaming proceeds  
 9                   from sports wagering offered to consumers within this state pursuant to this Title  
 10                   electronically through a website or mobile application. The provisions of this  
 11                   Subsection shall not apply to electronic sports wagering conducted through a sports  
 12                   wagering mechanism.

13                   C. Within twenty days of the last day of each calendar month the division  
 14                   shall collect the taxes imposed pursuant to the provisions of this Section for the  
 15                   immediately preceding calendar month.

16                   D. All taxes collected by the division pursuant to this Section, shall be  
 17                   forwarded upon receipt to the state treasurer for immediate deposit into the state  
 18                   treasury. Funds deposited into the treasury shall first be credited to the Bond Security  
 19                   and Redemption Fund in accordance with Article VII, Section 9(B) of the  
 20                   Constitution of Louisiana.

21                   E. In a month when the amount of net gaming proceeds of an operator from  
 22                   sports wagering is a negative number, the operator may carry over the negative  
 23                   amount to the return filed for the subsequent month. However, no amount shall be  
 24                   carried over in any period more than twelve months after the month in which the  
 25                   amount carried over was originally due.

26                   F. The provisions of this Section shall not apply to any sports wagering  
 27                   offered in this state by the Louisiana Lottery Corporation pursuant to Title 47.

28           §626. Sports Wagering Enforcement Fund

29                   A. There is hereby created in the state treasury a special fund designated as  
 30                   the "Sports Wagering Enforcement Fund", hereafter referred to as the "fund". After

1           allocation of money to the Bond Security and Redemption Fund as provided in  
 2           Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit  
 3           in and credit to the fund monies from license, application, and permit fees collected  
 4           pursuant to this Part. Monies in the fund shall be invested in the same manner as  
 5           monies in the state general fund. Interest earned on investment of monies in the fund  
 6           shall be deposited in and credited to the fund. Unexpended and unencumbered  
 7           monies in the fund shall remain in the fund. Monies in the fund shall be appropriated,  
 8           administered, and used solely as provided in this Section.

9           B. The monies in the fund shall be withdrawn only pursuant to appropriation  
 10          by the legislature and shall be used solely for the expenses of the Department of  
 11          Public Safety and Corrections, the Department of Justice, and the Louisiana Gaming  
 12          Control Board, including regulatory, administrative, investigative, enforcement,  
 13          legal, and other expenses as may be necessary to carry out the provisions of this  
 14          Chapter and the rules of the board.

15          §627. Promotional play

16           Eligible promotional play shall be equal to the amount of dollars directly  
 17          attributable to promotional play wagers related to sports wagering and actually  
 18          redeemed by players and patrons. Eligible promotional play shall not exceed an  
 19          amount of five million dollars per calendar year.

20          Section 4. R.S. 47:9001, 9002, 9006(B), 9009(B)(1) and (C), 9010(E), 9015(D), and  
 21          9029(A)(1) are hereby amended and reenacted and Chapter 10 of Title 47 of the Louisiana  
 22          Revised Statutes of 1950, comprised of R.S. 47:9091 through 9107, is hereby enacted to read  
 23          as follows:

24          §9001. Statement of purpose and intent

25           A. The legislature hereby recognizes that the operations of a state lottery are  
 26          unique activities for state government and that a corporate structure will best enable  
 27          the lottery to be managed in an entrepreneurial and business-like manner. It is the  
 28          intent of the legislature that the Louisiana Lottery Corporation shall be accountable  
 29          to the governor, the legislature, and the people of the state through a system of

1 audits, reports, legislative oversight, and thorough financial disclosure as required  
 2 by this Subtitle.

3 B. The legislature hereby recognizes that, similar to other states, the  
 4 Louisiana Lottery Corporation is uniquely positioned to participate in the sports  
 5 wagering industry based upon its business model, infrastructure, and current  
 6 relationship with retail establishments. The legislature also recognizes that allowing  
 7 the state lottery to participate in sports wagering may generate additional state  
 8 revenue. The Louisiana Lottery Corporation through an operator shall operate and  
 9 administer a sports book which shall be a separate and distinct responsibility and  
 10 operation from lottery gaming. Any sports wagering offered to consumers in this  
 11 state pursuant to this Subtitle shall exclusively be through electronic means including  
 12 a website, mobile application, or sports wagering mechanism.

13 §9002. Definitions

14 As used in this Subtitle, the following words and phrases shall have the  
 15 following meanings unless the context clearly requires otherwise:

16 (1) ~~"Corporation" means the Louisiana Lottery Corporation.~~

17 (2) ~~"Lottery" means any game of chance approved by the corporation and~~  
 18 ~~operated pursuant to this Chapter.~~

19 (3) ~~"Major procurement" means any item, product, or service in the amount~~  
 20 ~~of one hundred thousand dollars or more, including but not limited to major~~  
 21 ~~advertising contracts, annuity contracts, prize products, and services unique to the~~  
 22 ~~Louisiana lottery, but not including materials, supplies, equipment, and services~~  
 23 ~~common to the ordinary operations of a corporation.~~

24 (4) ~~"Net proceeds" means gross lottery revenues minus amounts paid or~~  
 25 ~~estimated to be paid as prizes and expenses of operation of the lottery.~~

26 (5) ~~"Person" means any individual, corporation, partnership, unincorporated~~  
 27 ~~association, or other legal entity.~~

28 (6) ~~"President" means the president of the Louisiana Lottery Corporation,~~  
 29 ~~who shall also serve as chief executive officer of the corporation.~~

1                   ~~(7) "Retailer" means any person with whom the corporation has contracted~~  
 2                   ~~to sell lottery tickets to the public.~~

3                   ~~(8) "Security" means the protection of information that would provide an~~  
 4                   ~~unfair advantage to any individual involved in the operation of the lottery, protection~~  
 5                   ~~and preservation of the integrity of lottery games and operations, as well as measures~~  
 6                   ~~taken to prevent crimes against the corporation and its retailers.~~

7                   ~~(9) "Vendor" means any person who has entered into a major procurement~~  
 8                   ~~contract with the corporation.~~

9                   (1) "Anti-money laundering standards" or "AML" means the requirements  
 10                   and guidelines provided in the federal Bank Secrecy Act of 1970, as amended, and  
 11                   the Anti-Money Laundering Act of 2020, as amended, for the prevention and  
 12                   detection of money laundering and the financing of terrorism.

13                   (2) "Applicant" means a person, business, or legal entity who has submitted  
 14                   an application to the corporation seeking a permit or the renewal of a permit.

15                   (3) "Application" means the forms and schedules prescribed by the  
 16                   corporation upon which an applicant seeks a permit or the renewal of a permit. An  
 17                   application shall also include any other information or fee required by the  
 18                   corporation to be submitted with an application such as disclosure statements,  
 19                   financial statements, and any type of fee.

20                   (4) "Board" means the board of directors of the Louisiana Lottery  
 21                   Corporation.

22                   (5) "Corporation" means the Louisiana Lottery Corporation.

23                   (6) "Distributor" means a permitted business or legal entity that is domiciled  
 24                   in this state and markets, buys, sells, leases, services, or repairs sports wagering  
 25                   mechanisms in this state.

26                   (7) "Electronic sports wagering" means sports wagering via a sports wagering  
 27                   mechanism on the premises of a permitted retail establishment or via a website or  
 28                   mobile application.

1           (8) "Lottery" means any game of chance approved by the corporation and  
2           operated pursuant to this Chapter and shall not include sports wagering authorized  
3           pursuant to this Subtitle.

4           (9) "Major procurement" means any item, product, or service in the amount  
5           of one hundred thousand dollars or more, including but not limited to major  
6           advertising contracts, annuity contracts, prize products, and services unique to the  
7           Louisiana lottery, but not including materials, supplies, equipment, and services  
8           common to the ordinary operations of a corporation.

9           (10) "Mobile application" means an application on a mobile phone or other  
10          device through which a player is able to register, fund, and place a wager with an  
11          operator on a sports event and receive a credit on their sports wagering account.

12          (11) "Mobile wagering" means wagering on a sports event through a website  
13          or mobile application.

14          (12) "Net gaming proceeds" means the amount equal to the total gross  
15          revenue of all sports wagers placed by patrons less the total amount of all winnings  
16          paid out to patrons.

17          (13) "Net proceeds" means gross lottery revenues less amounts paid or  
18          estimated to be paid as prizes and expenses of operation of the lottery.

19          (14) "Patron" or "player" means an individual who places a wager on a sports  
20          event.

21          (15) "Permit" means any permit or authorization, or application therefor,  
22          issued pursuant to the provisions of this Subtitle.

23          (16) "Permittee" means any person who is issued a permit pursuant to the  
24          provisions of this Subtitle.

25          (17) "Person" means any individual, corporation, partnership, unincorporated  
26          association, or other legal entity.

27          (18) "President" means the president of the Louisiana Lottery Corporation,  
28          who shall also serve as chief executive officer of the corporation.

29          (19) "Retail establishment" means a retail business that is permitted by the  
30          corporation to host a sports wagering mechanism.



1           (20) "Retailer" means any person with whom the corporation has contracted  
2           to sell lottery tickets to the public.

3           (21) "Security" means the protection of information that would provide an  
4           unfair advantage to any individual involved in the operation of the lottery, protection  
5           and preservation of the integrity of lottery games and operations, as well as measures  
6           taken to prevent crimes against the corporation and its retailers.

7           (22) "Sports book" means the offering of sports wagering by a sports  
8           wagering platform provider on the premises of a permitted retail establishment or  
9           through a sports wagering platform.

10           (23) "Sports event" means any professional sport or athletic event, any  
11           collegiate sport or athletic event, any Olympic or international sports competition  
12           event, or any other special event or competition of relative skill as authorized by the  
13           corporation to be a sports event for purposes of this Chapter. "Sports event" shall not  
14           include high school sports, youth events, any international sports events where the  
15           majority of the athletes are under the age of eighteen years old, electronic sports,  
16           competitive video games, fantasy sports contests as provided in Chapter 6 of Title  
17           27 of the Louisiana Revised Statutes of 1950, and any event prohibited by law.

18           (24) "Sports wager" or "sports bet" means a sum of money or representation  
19           of value risked by a player on an occurrence associated with a sports event for which  
20           the outcome is uncertain. The term includes but is not limited to single-game bets,  
21           teaser bets, parlay bets, over-under bets, moneyline bets, pools, exchange wagering,  
22           in-game wagering, in-play bets, proposition bets, and straight bets.

23           (25) "Sports wagering" means the acceptance of a wager on a sports event or  
24           on a portion of a sports event or on the individual performance or statistics of an  
25           athlete or participant in a sports event or a combination of sports events, by any  
26           system or method of wagering.

27           (26) "Sports wagering account" means an electronic financial record  
28           established with an operator for an individual patron in which the patron may deposit  
29           and withdraw funds for sports wagering and other authorized purchases and to which

1           the operator may credit winnings or other amounts due to that patron or authorized  
2           by that patron.

3                   (27) "Sports wagering mechanism" or "kiosk" means a corporation approved  
4                   self-service mechanical, electrical, or computerized terminal, device, apparatus, or  
5                   piece of equipment that is directly tied to the central system of the sports wagering  
6                   platform provider approved by and contracting with the corporation, which allows  
7                   a patron to place a sports wager on premises of a permitted retail establishment.  
8                   "Sports wagering mechanism" does not include a personal computer, mobile phone,  
9                   or other device owned and used by a player to wager on a sports event.

10                   (28) "Sports wagering platform" means an integrated system of hardware,  
11                   software, or applications, including mobile applications and servers, through which  
12                   an operator conducts the business of offering sports wagering conducted in  
13                   accordance with this Subtitle.

14                   (29) "Sports wagering platform provider" or "operator" means a suitable  
15                   person that holds a permit from the corporation to engage in the operation of a sports  
16                   book on behalf of the corporation.

17                   (30) "Vendor" means any person who has entered into a major procurement  
18                   contract with the corporation.

19   \*           \*           \*

20           §9006. Records of corporation deemed open; exceptions

21   \*           \*           \*

22                   B.(1) Records pertaining to the security of lottery operations, whether  
23                   current or proposed, the security director, and the security division of the corporation  
24                   shall be deemed to be records containing security procedures, investigative  
25                   techniques, or internal security information for purposes of R.S. 44:3(A)(3).

26                   (2) Notwithstanding any provision to the contrary, sports wagering account  
27                   records on individual players shall not be open to public inspection and shall be  
28                   deemed records collected or obtained for threat or vulnerability assessments in the

1 prevention of terrorist-related activity or internal security purposes for purposes of  
2 R.S. 44:3(A)(3).

3 \* \* \*

4 §9009. Conduct and administration of lottery games; powers and duties of  
5 corporation; authorized contracts

6 \* \* \*

7 B. The corporation shall:

8 (1) Supervise and administer the lottery and sports wagering in accordance  
9 with the provisions of this Subtitle and the administrative regulations adopted by the  
10 board.

11 \* \* \*

12 C. There shall be no liability on the part of and no cause of action shall arise  
13 against the corporation, its governing board, staff, agents, vendors, or employees,  
14 arising out of or in connection with the issuance, failure to issue, or delivery of a  
15 lottery or sports wagering ticket.

16 §9010. Powers and obligations of corporation's president; residence in Louisiana;  
17 ongoing study authorized

18 \* \* \*

19 E.(1) The president shall require bond from corporate employees with access  
20 to corporate funds or lottery funds, in such an amount as provided in the  
21 administrative regulations of the board.

22 (2) The president shall require a bond from employees with access to sports  
23 wagering accounts, in an amount as provided by the administrative rules of the  
24 corporation.

25 \* \* \*

26 §9015. Personnel program for employees; conflict of interest provisions;  
27 employment of specified persons by corporation prohibited

28 \* \* \*

29 D. No officer or employee of the corporation who leaves the employ of the  
30 corporation may represent any vendor ~~or~~, lottery retailer, sports wagering platform

1 provider, sports wagering service provider, sports wagering distributor, or retail  
2 establishment before the corporation for a period of two years following termination  
3 of employment with the corporation.

4 \* \* \*

5 §9029. Deposit of revenues; expenditures and investments authorized; transfer of  
6 revenues to state treasury; dedication and use of proceeds; corporation  
7 operating account; audit of corporation books and records; audits

8 A.(1) All money received by the corporation from the sale of lottery tickets  
9 and all other sources except for monies from sports wagering operations authorized  
10 pursuant to this Subtitle, shall be deposited into a corporate operating account. Such  
11 account shall be established in a fiscal agent or depository as defined in R.S. 49:319  
12 and collateralized in the manner provided by R.S. 49:321 and 49:322. The  
13 corporation may use all money in the corporate operating account for the purposes  
14 of paying prizes and the necessary expenses of the corporation and dividends to the  
15 state. The corporation shall estimate and allocate the amount to be paid by the  
16 corporation to prize winners.

17 \* \* \*

18 CHAPTER 10. LOUISIANA LOTTERY

19 CORPORATION SPORTS WAGERING

20 §9091. Conduct and administration of sports wagering; powers and duties of  
21 corporation; applicability authorizes contracts

22 A. Any permit obtained or issued pursuant to the provisions of this Chapter  
23 is expressly declared by the legislature to be a pure and absolute revocable privilege  
24 and not a right, property or otherwise, under the constitution of the United States or  
25 of the state of Louisiana. Further, the legislature declares that no holder of any  
26 permit acquires any vested interest or right therein or thereunder.

27 B. The corporation shall contract with a sports wagering platform provider  
28 for the operation of a sports book. The sports book operated on behalf of the  
29 corporation shall be a separate and distinct responsibility and operation from lottery  
30 gaming. Any sports wagering offered to consumers in this state pursuant to the

1 provisions of this Subtitle shall be through the use of a sports wagering mechanism,  
2 website, or mobile application.

3 C. The corporation shall, in accordance with the Administrative Procedure  
4 Act, promulgate rules, forms, and procedures necessary to implement, administer,  
5 and regulate sports wagering authorized pursuant to this Subtitle. The rules shall  
6 include:

7 (1) Qualifications, standards, and procedures for permitting sports wagering  
8 platform providers, sports wagering service providers, distributors, manufacturers,  
9 vendors, suppliers, personnel, and retail establishments pursuant to this Subtitle.

10 (2) Standards and procedures for renewing, suspending, and revoking  
11 permits.

12 (3) Guidelines for the acceptance of sports wagers.

13 (4) The maximum number and amount of wagers which may be accepted  
14 by a sports wagering mechanism from any one patron on any one event.

15 (5) Prohibitions on unilaterally rescinding wagers.

16 (6) The type of wagering tickets used, information required to be printed on  
17 the ticket, and methods for issuing tickets.

18 (7) The types of records required to be kept and the length of time records  
19 shall be retained.

20 (8) Requirements that a sports wagering platform provider comply with anti-  
21 money laundering standards.

22 (9) Internal controls for all aspects of electronic wagering, including  
23 procedures for system integrity, system security, operations, accounting, and  
24 reporting of problem gamblers.

25 (10) Establish suitability requirements for applicants and permittees pursuant  
26 to this Chapter.

27 (11) Establish standards and a procedure for approval of retail establishment  
28 permits to host sports wagering mechanisms.

29 D. Chapters 6, 7, and 8 of this Subtitle shall apply to all sports wagering  
30 conducted pursuant to this Chapter.

1           §9092. Reporting

2                   The corporation shall produce an annual report and distribute the report to the  
 3           legislature. The report shall include the impact of sports wagering on sports events,  
 4           retail establishments, problem gamblers, and on the gambling addiction in Louisiana.  
 5           The report shall be prepared by a private organization or entity with expertise in  
 6           servicing the needs of persons with gambling addictions.

7           §9093. Permitting; other requirements

8                   A. No person, business, or legal entity shall operate a sports book on behalf  
 9           of the corporation without first being permitted in accordance with this Subtitle. To  
 10          conduct business with the corporation related to sports wagering authorized pursuant  
 11          to this Subtitle, all sports wagering service providers, distributors, manufacturers,  
 12          vendors, suppliers, personnel, or retail establishments shall be permitted in  
 13          accordance with the Subtitle.

14                  B. All sports wagering platform providers requesting a permit pursuant to this  
 15          Chapter shall be permitted by the corporation only if the applicant meets the  
 16          suitability standards provided for in R.S. 47:9094.

17                  C. The corporation shall provide by administrative rules the qualifications  
 18          and suitability standards for sports wagering service providers, distributors,  
 19          manufacturers, vendors, suppliers, personnel, and retail establishments.

20          §9094. Suitability; sports wagering platform providers

21                  A. No person shall be eligible to obtain a sports wagering platform provider  
 22          permit pursuant to this Subtitle unless the applicant has demonstrated by clear and  
 23          convincing evidence to the corporation that he is suitable. For the purposes of this  
 24          Subtitle, "suitable" means the applicant or permittee is:

- 25                    (1) A person of good character, honesty, and integrity.
- 26                    (2) A person whose prior activities, criminal record, if any, reputation,  
 27                    habits, and associations do not pose a threat to the public interest of this state or to  
 28                    the effective regulation and control of gaming, or create or enhance the dangers of  
 29                    unsuitable, unfair, or illegal practices, methods, and activities in the conduct of  
 30                    gaming or carrying on of the business and financial arrangements incidental thereto.

1                   (3) Capable of and likely to conduct the activities for which the applicant or  
 2                   permittee is approved or permitted pursuant to the provisions of this Subtitle.

3                   (4) Not disqualified pursuant to the provisions of Subsection B of this  
 4                   Section.

5                   B. The corporation shall not grant approval or a permit pursuant to the  
 6                   provisions of this Subtitle to any person who is disqualified on the basis of the  
 7                   following criteria:

8                   (1) The conviction or a plea of guilty or nolo contendere by the applicant or  
 9                   any person required to be suitable under the provisions of this Subtitle for any of the  
 10                  following:

11                  (a) Any offense punishable by imprisonment of more than one year.

12                  (b) Theft or attempted theft, illegal possession of stolen things, or any  
 13                  offense or attempt involving the misappropriation of property or funds.

14                  (c) Any offense involving fraud or attempted fraud, false statements or  
 15                  declarations.

16                  (d) Gambling as defined by the laws or ordinances of any municipality, any  
 17                  parish or county, any state, or of the United States.

18                  (e) A crime of violence as defined in R.S. 14:2(B).

19                  (2) A current prosecution or pending charge against the person in any  
 20                  jurisdiction for any offense listed in Paragraph (1) of this Subsection.

21                  (3) The person is not current in filing all applicable tax returns and in the  
 22                  payment of all taxes, penalties, and interest owed to the state of Louisiana or any  
 23                  political subdivision of Louisiana, excluding items under formal appeal.

24                  (4) The failure to provide information and documentation to reveal any fact  
 25                  material to a suitability determination, or the supplying of information which is  
 26                  untrue or misleading as to a material fact pertaining to the suitability criteria.

27                  C.(1) In the awarding of a permit pursuant to the provisions of this Subtitle,  
 28                  a conviction or plea of guilty or nolo contendere by the applicant shall not constitute  
 29                  an automatic disqualification as otherwise required pursuant to the provisions of

1            Subparagraphs (B)(1)(a) through (d) of this Section if either of the following are true:

2                    (a) Ten or more years has elapsed between the date of application and the  
3                    successful completion or service of any sentence, deferred adjudication, or period of  
4                    probation or parole.

5                    (b) Five or more years has elapsed between the date of application and the  
6                    successful completion of any sentence, deferred adjudication, or period of probation  
7                    or parole and the conviction for an offense defined in R.S. 47:9094(B)(1)(b) was a  
8                    misdemeanor offense.

9                    (2) The provisions of Paragraph (1) of this Subsection shall not apply to any  
10                   person convicted of a crime of violence as defined in R.S. 14:2(B).

11                   (3) Notwithstanding any provision of law to the contrary, the corporation  
12                   may consider the seriousness and circumstances of any offense, arrest, or conviction  
13                   in determining suitability in accordance with Subsection A of this Section.

14                   D. An applicant who is not disqualified as a result of Subsection B of this  
15                   Section shall be required to demonstrate to the corporation that he otherwise meets  
16                   the remaining requirements for suitability, particularly those contained in Paragraphs  
17                   (A)(1) through (3) of this Section. Evidence of, or relating to, an arrest, summons,  
18                   charge, or indictment of an applicant, or the dismissal thereof, may be considered by  
19                   the corporation even if the arrest, summons, charge, or indictment results in  
20                   acquittal, deferred adjudication, probation, parole, or pardon.

21                   E. A person who has been found unsuitable or whose permit has been  
22                   revoked, in this state or any other jurisdiction, may not apply for a permit or a  
23                   finding of suitability for five years from the date there was a finding of unsuitability,  
24                   or the permit was revoked, unless the corporation allows the application for good  
25                   cause shown. The corporation shall promulgate rules necessary to carry out the  
26                   provisions of this Section.

27                   F. All permittees and other persons found suitable by the corporation shall  
28                   maintain suitability throughout the term of the permit. In the event of a current  
29                   prosecution of an offense as provided in Paragraph (B)(2) of this Section, the  
30                   corporation shall have the discretion to defer a determination on a person's



1 continuing suitability pending the outcome of the proceedings provided that if a  
2 decision is deferred pending such outcome the corporation may take such action as  
3 is necessary to protect the public trust, including the suspension of any permit.

4 G. All permittees and any other persons required to be found suitable shall  
5 have a continuing duty to inform the corporation of any possible violation of this  
6 Subtitle and of any rules adopted by the corporation. No person who so informs the  
7 corporation of a violation or possible violation shall be discriminated against by the  
8 applicant or permittee because of supplying such information.

9 H.(1)(a) Any person who has or controls directly or indirectly five percent  
10 or more ownership, income, or profit or economic interest in an entity which has or  
11 applies for a sports wagering platform provider permit pursuant to the provisions of  
12 this Subtitle, or who receives five percent or more revenue interest in the form of a  
13 commission, finder's fee, loan repayment, or any other business expense related to  
14 the gaming operation, or who has the ability or capacity to exercise significant  
15 influence over a permittee or other person required to be found suitable pursuant to  
16 the provisions of this Subtitle, shall meet all suitability requirements and  
17 qualifications pursuant to the provisions of this Subtitle.

18 (b) In determining whether a person has significant influence for purposes  
19 of this Section, the corporation may consider but is not limited to the following:  
20 management and decision-making authority; operational control; financial  
21 relationship; receipt of gaming revenue or proceeds; financial indebtedness; and  
22 gaming related associations.

23 (2)(a) A lessor of immovable property forming any part of the complex of  
24 a sports wagering operation pursuant to this Subtitle is required to submit to  
25 suitability.

26 (b) Notwithstanding anything contained in this Chapter to the contrary, the  
27 obligations to the corporation of the real estate lessor of a permittee who receives  
28 less than two percent of the net gaming proceeds of a permittee and who is not  
29 involved in the day-to-day operations of the permittee shall be to provide such  
30 financial information, documentation, and necessary release forms for the

1            corporation to make a determination that no person who fails to meet suitability  
2            requirements is receiving any funds received by the lessor from the permittee, or is  
3            participating in the management of the affairs or business operations of the lessor.

4            I. If the corporation finds that an individual owner or holder of a security of  
5            a permittee, or of a holding or intermediary company of a permittee, or any person  
6            or persons with an economic interest in a permittee, or a director, partner, officer, or  
7            managerial employee is not suitable, and if as a result, the permittee is no longer  
8            qualified to continue as a permittee the corporation shall propose action necessary  
9            to protect the public interest, including the suspension or revocation of the permit.  
10           The corporation may also issue under penalty of revocation or suspension of a  
11           permit, a condition of disqualification naming the person or persons and declaring  
12           that such person or persons may not:

13           (1) Receive dividends or interest on securities of a person, or a holding or  
14           intermediary company of a person, holding an approval or permit.

15           (2) Exercise directly, or through a trustee or nominee, a right conferred by  
16           securities of a person, or a holding or intermediary company of a person, holding an  
17           approval or permit, issued pursuant to the provisions of this Subtitle.

18           (3) Receive remuneration or other economic benefit from any person, or a  
19           holding or intermediary company of a person, holding an approval or permit issued  
20           pursuant to this Subtitle.

21           (4) Exercise significant influence over activities of a person, or a holding or  
22           intermediary company of a person, holding a license, casino operating contract,  
23           permit, or other approval issued pursuant to the provisions of this Subtitle.

24           (5) Continue owning or holding a security of a person, or a holding or  
25           intermediary company of a person, holding an approval or permit issued pursuant to  
26           the provisions of this Subtitle or remain as a manager, officer, director, or partner of  
27           a permittee.

28           J. In the awarding of an approval or permit pursuant to the provisions of this  
29           Subtitle, the corporation may consider that the person is not current in filing all

1 applicable tax returns and in the payment of all taxes, penalties, and interest owed  
 2 the Internal Revenue Service, excluding items under formal appeal.

3 K. In determining the suitability of an application, the corporation may  
 4 request from an applicant and consider any of the following:

5 (1) Whether the applicant has adequate capital, financial ability, and means  
 6 to develop, construct, operate, and maintain infrastructure to support sports wagering  
 7 activities and operations in compliance with this Chapter and any administrative  
 8 rules promulgated by the corporation.

9 (2) Whether the applicant has the financial ability to purchase and maintain  
 10 adequate liability and casualty insurance and to provide an adequate surety bond.

11 (3) Whether the applicant has adequate capital and the financial ability to  
 12 responsibly pay its secured and unsecured debts in accordance with its financing  
 13 agreements and other contractual obligations.

14 (4) Whether the applicant has a history of material noncompliance with  
 15 licensing or permitting requirements or any other regulatory requirements in  
 16 Louisiana or in any other jurisdiction, where the noncompliance resulted in  
 17 enforcement action by the person with jurisdiction over the applicant.

18 (5) Whether the applicant has filed, or had filed against it, a proceeding for  
 19 bankruptcy or has ever been involved in any formal process to adjust, defer, suspend,  
 20 or otherwise negotiate the payment of any debt.

21 (6) Whether or not at the time of the application, the applicant is a defendant  
 22 in litigation involving the integrity of its business practices.

23 §9095. Sports wagering platform provider; permit; fee

24 A. The corporation may issue a sports wagering platform provider permit to  
 25 suitable persons to contract with the corporation to manage or operate the  
 26 corporation's sports book line-of-business. No person shall manage or operate the  
 27 corporation's sports book without a valid permit.

28 B. In addition to the requirements set forth in R.S. 47:9094, the corporation  
 29 shall provide by rule for the standards and requirements of any sports wagering

1 platform. The rules shall specify technical requirements as well as operational  
2 requirements.

3 C. Any contract between the corporation and a sports wagering platform  
4 provider shall provide for access to the corporation of any information maintained  
5 by the platform provider for verification of compliance with this Chapter.

6 D. A sports wagering platform provider shall use no more than one sports  
7 wagering platform to offer, conduct, or operate a sports book on behalf of the  
8 corporation.

9 E. A sports wagering platform provider shall keep books and records for the  
10 management and operation of sports wagering as authorized by this Chapter and for  
11 services for which it is contracted by the corporation. The keeping of books and  
12 records shall be separate and distinct from any other business the sports wagering  
13 platform provider might operate. A sports wagering platform provider shall file  
14 quarterly returns with the corporation listing all of its contracts and services related  
15 to sports wagering authorized under this Subtitle.

16 F. All servers necessary for the placement or resolution of wagers, other than  
17 backup servers, shall be physically located in Louisiana.

18 G. Any sports wagering platform utilized for electronic wagering shall have  
19 a component of its design to reasonably verify that the person attempting to place the  
20 wager is at least twenty-one years of age, physically located in the state, and not  
21 physically located in a parish that has not approved a proposition to authorize sports  
22 wagering at the time the wager is initiated or placed.

23 H.(1) The initial application fee for a sports wagering platform provider  
24 permit shall be one hundred thousand dollars and shall be non-refundable. The initial  
25 application fee shall be submitted to the corporation at the time of application.

26 (2) The permit fee for a sports wagering platform provider permit issued  
27 pursuant to this Section shall be two hundred fifty thousand dollars. The permit shall  
28 be for a term of five years. The permit fee shall be submitted to the corporation on  
29 the anniversary date of the issuance of the permit every five years.

1           I. The provider of a sports wagering platform shall provide the corporation  
2           with a readily available point of contact to ensure compliance with the requirements  
3           of this Chapter.

4           §9096. Sports wagering service providers; permit; fee

5           A. The corporation shall issue a sports wagering service provider permit to  
6           suitable persons which contract with an operator to provide support services for an  
7           operator's sports book. A person shall not provide support services to the operator  
8           without a valid permit.

9           B. Any contract between the corporation and a sports wagering service  
10          provider shall provide for access to the corporation of any information maintained  
11          by the platform provider for verification of compliance with this Chapter.

12          C. A sports wagering service provider shall keep books and records for the  
13          management of sports wagering as authorized by this Chapter and for services for  
14          which it is contracted by the operator. The keeping of books and records shall be  
15          separate and distinct from any other business the sports wagering service provider  
16          might operate. A sports wagering service provider shall file quarterly returns with  
17          the corporation listing all of its contracts and services related to sports wagering  
18          authorized under this Subtitle.

19          D. The initial application fee for a sports wagering service provider permit  
20          shall be ten thousand dollars and shall be non-refundable. The initial application fee  
21          shall be submitted to the corporation at the time of application.

22          E. The permit fee for a sports wagering service provider permit issued  
23          pursuant to this Section shall be twelve thousand five hundred dollars. The permit  
24          shall be for a term of five years. The permit fee shall be submitted to the corporation  
25          on the anniversary date of the issuance of the permit every five years. The first  
26          permit payment shall be submitted to the corporation at the time of application.

27          §9097. Sports wagering distributor; permit; fees

28          A.(1) The corporation may issue a sports wagering distributor permit to any  
29          suitable business or legal entity that markets, buys, sells, leases, services, or repairs

1 sports wagering mechanisms in this state. No person shall market, buy, sell, lease,  
2 service, or repair a sports wagering mechanism without a valid permit.

3 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, only  
4 distributors domiciled in Louisiana shall be issued a permit for the services of  
5 collection and repair of sports wagering mechanisms.

6 B. Any contract between the corporation and a sports wagering distributor  
7 shall provide for access to the corporation of any information maintained by the  
8 distributor for verification of compliance with this Chapter.

9 C. The initial application fee for a sports wagering distributor permit shall  
10 be five thousand dollars and shall be non-refundable. The initial application fee shall  
11 be submitted to the corporation at the time of application.

12 D. The permit fee for a sports wagering distributor permit issued pursuant  
13 to this Section shall be two thousand five hundred dollars. The permit shall be for a  
14 term of five years. The permit fee shall be submitted to the corporation on the  
15 anniversary date of the issuance of the permit every five years. The first permit  
16 payment shall be submitted to the corporation at the time of application.

17 E. The corporation shall adopt written policies and rules to guarantee that  
18 multiple distributors and vendors shall contract with the operator to provide  
19 maximum opportunities for economic development.

20 §9098. Retail establishments; permit; fees

21 A. The corporation may issue a retail establishment permit to suitable persons  
22 that contract with an operator to host sports wagering mechanisms. A retail  
23 establishment shall not host a sports wagering mechanism without a valid permit.

24 B. For purposes of this Chapter retail establishment shall include:

25 (1) An establishment that has a Class A-General retail permit or a Class A-  
26 Restaurant permit as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title  
27 26 of the Louisiana Revised Statutes of 1950, for the sale of alcoholic beverages for  
28 on-premises consumption and that is located in a parish that approved a proposition  
29 to authorize sports wagering.

1           (2) An establishment that holds a retail food establishment permit from the  
2           office of public health issued pursuant to the provisions of LAC 51:XXIII 101 et seq.  
3           and that is located within a parish that approved a proposition to authorize sports  
4           wagering but due to local and municipal laws and ordinances is prohibited from  
5           holding a Class A-General retail permit or a Class A-Restaurant permit as defined  
6           in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised  
7           Statutes of 1950 for the sale of alcoholic beverages for on-premises consumption.

8           C. The initial application fee for a sports wagering retail establishment permit  
9           shall be one thousand dollars and shall be non-refundable. The initial application fee  
10          shall be submitted to the corporation at the time of application.

11          D. The permit fee for a sports wagering retail establishment permit issued  
12          pursuant to this Section shall be one hundred dollars. The permit shall be for a term  
13          of one year. The permit fee shall be submitted to the corporation on the anniversary  
14          date of the issuance of the permit every year. The first permit payment shall be  
15          submitted to the corporation at the time of application.

16          E.(1) The corporation shall provide by rule the minimum requirements of a  
17          contract between its sports wagering platform provider and a retail establishment.  
18          The rules shall include a requirement that the contract provide that in consideration  
19          for the hosting of a sports wagering mechanism, the retail establishment shall be paid  
20          the greater of the following each month:

21                 (a) One and one half percent of the cash accumulated in the sports wagering  
22                 mechanisms located on the retail establishment's premises.

23                 (b) Ten percent of the net gaming proceeds of all wagers placed by patrons  
24                 through a sports wagering mechanism located on the premises of the retail  
25                 establishment and wagers placed through an operator website or mobile application  
26                 while the patron is located on the premises of the retail establishment.

27                 (2) The monies owed to the retail establishment pursuant to Paragraph (1) of  
28                 this Subsection shall be remitted to the retail establishment within twenty days of the  
29                 end of each calendar month for the immediately preceding calendar month.

1           §9099. Wagering; limitations

2                   A. To place a sports wager with an operator, the corporation shall confirm  
3           and a player shall meet all of the following requirements:

4                           (1) Is twenty-one years of age or older.

5                           (2) Is physically located in a parish that has approved a proposition  
6           authorizing sports wagering at the time the wager is initiated or placed.

7                           (3) Has a sports wagering account established with the operator if the player  
8           is attempting to place a sports wager through a website or mobile application.

9                           (4) Is not prohibited from wagering with the corporation by law, rule, policy  
10          of the corporation, self-exclusion, or pursuant to R.S. 27:27.1.

11                           B.(1) The operator shall not knowingly accept wagers from a person who is  
12          an athlete, coach, referee, or other official or staff of a participant or team that is  
13          participating in the sports event on which the person is attempting to place the wager.

14                           (2) The operator shall not knowingly accept wagers from a person who is a  
15          director, officer, owner, or employee of the operator or any relative or other person  
16          living in the same household as a director, officer, owner, or employee of the  
17          operator.

18                           C. No sports wagers may be accepted or paid by any operator on any of the  
19          following:

20                                   (1) Any sport or athletic event not authorized by law.

21                                   (2) Any sport or athletic event which the operator knows or reasonably  
22          should know is being placed by or on behalf of an official, owner, coach, or staff of  
23          a participant or team that participates in that event.

24                                   (3) A single act in a team event solely in the control of one participant acting  
25          independently.

26                                   (4) The occurrence of injuries or penalties, or the outcome of an athlete's  
27          disciplinary rulings, or replay reviews.

28                           D. Any operator or permittee shall promptly report to the corporation on the  
29          following activities:



1                   (1) Any criminal or disciplinary proceedings commenced against any  
 2                   operator or its employees, in connection with the operations of the sports book.

3                   (2) Any abnormal wagering activity or patterns that may indicate a concern  
 4                   about the integrity of a sports event.

5                   (3) Any other conduct with the potential to corrupt a wagering outcome of  
 6                   a sports event for purposes of financial gain, including but not limited to match  
 7                   fixing.

8                   (4) Suspicious or illegal wagering activities, including the use of funds  
 9                   derived from illegal activity, wagers to conceal or launder funds derived from illegal  
 10                  activity, use of agents to place wagers, or use of false identification.

11                  E. Operators shall establish and display the odds at which wagers may be  
 12                  placed on sports events. Operators shall not accept a wager via a sports wagering  
 13                  mechanism, or through a website or mobile application unless the wagering  
 14                  proposition is posted by electronic or manual means.

15                  F. Operators shall maintain records of sports wagering activities and  
 16                  operations and follow AML practices in day-to-day operations of its business.

17                  §9100. Electronic wagering

18                  A. Electronic wagering may be conducted only to the extent that it is  
 19                  conducted in accordance with this Subtitle and in accordance with the rules  
 20                  promulgated by the corporation.

21                  B. The corporation may accept wagers made electronically using a sports  
 22                  wagering mechanism located on the premises of a permitted retail establishment or  
 23                  through a website or mobile application.

24                  §9101. Sports wagering mechanism

25                  A. (1) A player may place a wager via a sports wagering mechanism with  
 26                  cash or utilizing the player's established sports wagering account.

27                  (2) A sports wagering mechanism may be utilized by a player to make a  
 28                  deposit in their sports wagering account.

1           B. Sports wagering mechanisms shall be located only in areas where  
2           accessibility is limited to patrons twenty-one years of age or older and have been  
3           permitted by the corporation.

4           C. Sports wagering mechanisms shall be branded as the operator.

5           D. Any sports wager placed with cash via a sports wagering mechanism shall  
6           be evidenced by a ticket indicating the name of the operator, the sports event on  
7           which the wager was placed, the amount of cash wagered, the type of bet and odds  
8           if applicable, the date of the event, and any other information required by the  
9           corporation.

10           E.(1) Wagers placed via a sports wagering mechanism through a player's  
11           established sports wagering account may be settled through the player's wagering  
12           account. However, the player shall be prohibited from collecting winnings from the  
13           sports wagering mechanism in any form other than credits to the sports wagering  
14           account of the player.

15           (2) A patron with a winning ticket shall redeem the ticket at an establishment  
16           designated by the corporation within one hundred eighty days of the date of the event  
17           pursuant to R.S. 47:9103.

18           F. Each sports wagering mechanism shall:

19           (1) Not have any device or program that will alter the reading of the values  
20           or amounts of play to reflect values or amounts other than actually played or any  
21           switches, jumpers, wire posts, or any other means of manipulation that could affect  
22           the operation or outcome of a wager.

23           (2) Not have any device, switch, program, or function that can alter the  
24           readings of the actual amounts or values relating to any function or occurrence of the  
25           mechanism.

26           (3) Have separate secure areas with locking doors for the game logic board  
27           and software, the cash compartment, and the mechanical meters as required by the  
28           rules of the corporation. These areas must be locked and separated. Access to one  
29           from the other shall not be allowed at any time.

1                   (4) Not have any functions or parameters adjustable by or through any  
2                   separate video display or input codes, except for the adjustment of features that are  
3                   wholly cosmetic.

4                   (5) Have a circuit-interrupting device, method, or capability which will  
5                   disable the machine if the corporation approved program is accessed or altered.

6                   (6) Have a serial number or other identification number permanently affixed  
7                   to the mechanism by the manufacturer.

8                   G. Each sports wagering mechanism shall be linked by telecommunication  
9                   to a central computer for purposes of polling or reading mechanism activities and for  
10                  central computer remote shutdown of mechanism operations. If the central computer  
11                  system fails as a result of a malfunction or catastrophic event, the mechanism may  
12                  remain in operation until the central computer system is restored.

13                  H. The corporation may provide for additional specifications for mechanisms  
14                  to be approved and authorized pursuant to the provisions of this Chapter as it deems  
15                  necessary to maintain the integrity of sports wagering mechanisms and operations.

16                  §9102. Online and mobile wagering

17                  Wagering through a website or mobile application shall be subject to the  
18                  following requirements:

19                  A.(1) A player shall establish a sports wagering account with the operator  
20                  before the operator accepts any sports wager through a website or mobile application  
21                  from the player. The operator shall also complete an initial verification of the  
22                  account prior to accepting sports wagers.

23                  (2) An account may be established with a line of credit or as an advance  
24                  deposit wagering account.

25                  B. No operator shall accept a sports wager through a website or mobile  
26                  application from the public or any person who does not have an established account  
27                  with the corporation.

28                  C. No wagers shall be placed when the player is physically located out of  
29                  state or in a parish that has not approved a proposition authorizing sports wagering.  
30                  An operator shall maintain geofencing and geolocation services.

1           §9103. Prizes; payment of prizes

2                   A.(1) Winning wagers that were placed via a sports wagering mechanism  
 3                   with cash and are evidenced by a ticket receipt shall be redeemed by a player within  
 4                   one hundred eighty days from the time of the event. The corporation shall pay tickets  
 5                   upon presentation after performing validation procedures.

6                   (2) Winning wagers placed using a sports wagering account shall be credited  
 7                   by the operator to the patron's account within one day from the time of the event  
 8                   unless otherwise allowed pursuant to the rules of the corporation.

9                   B. The operator's obligation to pay winning tickets shall expire after one  
 10                  hundred eighty days from the date of the event if not presented for payment.  
 11                  Additionally, if the ticket fails to be presented for payment within the one hundred  
 12                  and eighty day period, the ticket holder waives any right to enforce payment of the  
 13                  ticket.

14                  C. If the proceeds of any sports wagering prize issued pursuant to this  
 15                  Subtitle are five hundred dollars or more, the prize shall be subject to Louisiana  
 16                  state income tax. Any attachments, garnishments, or executions authorized and  
 17                  issued pursuant to law shall also be withheld if timely served upon the process agent  
 18                  of the corporation.

19                  D. The corporation shall adopt rules to establish a system of verifying the  
 20                  validity of tickets claimed to win prizes and to effect payment of such prizes except  
 21                  that:

22                   (1) No prize, nor any portion of a prize, nor any right of any person to a prize  
 23                   awarded shall be assignable. Any prize, or portion thereof, remaining unpaid at the  
 24                   death of a prizewinner shall be paid to the estate of the deceased prizewinner or to  
 25                   the trustee of a trust established by the deceased prizewinner as settlor, if a copy of  
 26                   the trust document or instrument has been filed with the corporation, along with a  
 27                   notarized letter of direction from the settlor, and no written notice of revocation has  
 28                   been received by the corporation prior to the settlor's death. Following a settlor's  
 29                   death and prior to any payment to such a trustee, the corporation shall obtain from  
 30                   the trustee and each trust beneficiary a written agreement to indemnify and hold the

1 corporation harmless with respect to any claims that may be asserted against the  
2 corporation arising from payment to or through the trust. Notwithstanding any other  
3 provisions of this Subtitle, any person, pursuant to an appropriate judicial order, shall  
4 be paid the prize to which a winner is entitled.

5 (2) A person twenty-one years of age or older may gift a winning sports  
6 wagering ticket to a person of any age. If the donee of a winning ticket is under the  
7 age of twenty-one years, the corporation shall direct payment to a member of the  
8 person's family who is twenty-one years of age or older or to the legal representative  
9 of the person on behalf of such person. The person named as custodian shall have the  
10 same powers and duties as prescribed for a custodian pursuant to the Uniform  
11 Transfers to Minors Act.

12 (3) No prize shall be paid arising from claimed tickets that are stolen,  
13 counterfeit, altered, fraudulent, unissued, produced or issued in error, unreadable, not  
14 received, unclaimed, or not recorded by the corporation within applicable deadlines.

15 (4) No particular prize shall be paid more than once, and in the event of a  
16 binding determination that more than one claimant is entitled to a particular prize,  
17 the sole remedy of such claimants is the award to each of them an equal share in the  
18 prize.

19 E. No prize shall be paid upon a ticket purchased or sold in violation of this  
20 Subtitle.

21 F. The corporation is discharged of all liability upon payment of a prize.

22 §9104. Withholding of lottery prizes; child support arrearages; rules

23 The corporation shall promulgate rules providing for the withholding of  
24 prizes resulting from sports wagering authorized pursuant to this Section, of persons  
25 who have outstanding child support arrearages as reported to the corporation,  
26 beginning at prize levels to be determined by the corporation. The corporation may  
27 require any agency reporting current child support arrearages to the corporation to  
28 provide information relating to such arrearages in a manner, format, or record

1 approved by the corporation. The corporation shall not be liable for withholding a  
2 prize based upon child support arrearage information provided to it. Additionally, the  
3 corporation shall employ the same methods, procedures, and parameters to withhold  
4 prizes for persons who have delinquent debt as defined in R.S. 47:1676(B)(4) which  
5 has been assigned to the office of debt recovery for collection. The corporation shall  
6 not be liable for withholding prize based upon delinquent debt information provided  
7 to it by the office of debt recovery.

8 §9105. State tax; levy

9 A. There is hereby levied a ten percent tax upon the net gaming proceeds of  
10 an operator from sports wagering offered to consumers within this state pursuant to  
11 this Title onsite at a permitted retail establishment through a sports wagering  
12 mechanism.

13 B. There is hereby levied a fifteen percent tax upon the net gaming proceeds  
14 of an operator from sports wagering offered to consumers within this state pursuant  
15 to this Title electronically through a website or mobile application.

16 C. Within twenty days of the last day of each calendar month the corporation  
17 shall collect the taxes imposed pursuant to the provisions of this Section for the  
18 immediately preceding calendar month.

19 D. All taxes collected by the corporation pursuant to this Section shall be  
20 deposited into the Community and Family Support System Fund as provided by R.S.  
21 28:826. These monies shall be forwarded upon receipt to the state treasury. Funds  
22 deposited into the treasury shall first be credited to the Bond Security and  
23 Redemption Fund in accordance with Article VII, Section 9(B) of the Constitution  
24 of Louisiana.

25 E. In a month when the amount of net gaming proceeds of an operator from  
26 sports wagering is a negative number, the operator may carry over the negative  
27 amount to the return filed for the subsequent month. However, no amount shall be

1 carried over in any period more than twelve months after the month in which the  
2 amount carried over was originally due.

3 §9106. Deposit of revenues

4 Within twenty days following the close of each calendar month, the  
5 corporation shall transfer to the Lottery Sports Wagering Fund the amount of net  
6 revenue which the corporation determines is surplus to its needs. Net revenues shall  
7 be determined by deducting from the corporation's net gaming proceeds the payment  
8 costs incurred or estimated to be incurred in the operation and administration of  
9 sports wagering authorized pursuant to this Chapter. This shall include the expenses  
10 of the corporation and the costs resulting from determining applicant suitability, and  
11 any contracts entered into for promotional, advertising, or operational services or for  
12 the purchase or lease of sports wagering equipment and materials.

13 §9107. Lottery Sports Wagering Fund

14 A. There is hereby created in the state treasury a special fund designated as  
15 the "Lottery Sports Wagering Fund ", hereafter referred to as the "fund". After  
16 allocation of money to the Bond Security and Redemption Fund as provided in  
17 Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit  
18 in and credit to the fund all corporation net revenue as determined by R.S. 47:9106.  
19 Interest earned on investment of monies in the fund shall be deposited in and credited  
20 to the fund. Unexpended and unencumbered monies in the fund shall remain in the  
21 fund. Monies in the fund shall be appropriated, administered, and used solely as  
22 provided in this Section.

23 B. The monies in the fund shall be withdrawn only pursuant to appropriation  
24 by the legislature and shall be used solely for the expenses provided pursuant to R.S.  
25 47:9106 and for the minimum foundation program.

1           Section 5. This Act shall take effect and become operative if and when the Act which  
2           originated as Senate Bill No. 202 of this 2021 Regular Session of the Legislature is enacted  
3           and becomes effective.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



SENATE BILL NO. 144

BY SENATORS TARVER AND CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To enact R.S. 14:102.29, relative to offenses affecting the public sensibility; to create the crime of unlawful possession, transfer, or manufacture of animal fighting paraphernalia; to provide definitions; to provide exceptions; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:102.29 is hereby enacted to read as follows:

**§102.29. Unlawful possession, transfer, or manufacture of animal fighting paraphernalia**

**A. It shall be unlawful for any person to possess, purchase, sell, transfer, or manufacture animal fighting paraphernalia with the intent to engage in, promote, or facilitate animal fighting in violation of R.S. 14:102.1, 102.5, or 102.23, or any other provision of law.**

**B. For purposes of this Section, "animal fighting paraphernalia" means equipment, products, implements, or materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of animal fighting, and includes but is not limited to the following:**

- (1) Breaking sticks.**
- (2) Cat mills.**
- (3) Treadmills.**
- (4) Fighting pits.**
- (5) Spring poles.**
- (6) Unprescribed veterinary medicine.**
- (7) Veterinary treatment supplies.**

1                    (8)(a) Spurs, gaffs, knives, leather training spur covers, slashers, heels,  
2                    or any other sharp implement designed to be attached in place of the natural  
3                    spur of a cock or game fowl.

4                    (b) This Paragraph shall not be construed to prohibit the possessing,  
5                    buying, selling, or trading of any spurs, gaffs, knives, leather training spur  
6                    covers, or any other items normally used in cockfighting that are at least five  
7                    years old and have historical value.

8                    C. Nothing in this Section shall prohibit the training of animals or the  
9                    use of equipment in the training of animals for any purpose not prohibited by  
10                   law.

11                   D. Whoever violates the provisions of this Section shall be fined not more  
12                   than five hundred dollars, or imprisoned for not more than six months, or both.

13                   Section 2. This Act shall become effective upon signature by the governor or, if not  
14                   signed by the governor, upon expiration of the time for bills to become law without signature  
15                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
16                   vetoed by the governor and subsequently approved by the legislature, this Act shall become  
17                   effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2021 Regular Session  
HOUSE BILL NO. 222  
BY REPRESENTATIVE STEFANSKI

# ACT No. 186

1 AN ACT

2 To amend and reenact R.S. 14:81.4(A)(2) and to enact R.S. 14:81.3(A)(5), 81.4(B)(5), and  
3 283(A)(3), relative to certain sex offenses against minors; to provide relative to the  
4 use of technology in the commission of the offense; to provide definitions; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:81.4(A)(2) is hereby amended and reenacted and R.S.  
8 14:81.3(A)(5), 81.4(B)(5), and 283(A)(3) are hereby enacted to read as follows:

9 §81.3. Computer-aided solicitation of a minor

10 A.

11 \* \* \*

12 (5) It shall also be a violation of the provisions of this Section when a person  
13 seventeen years of age or older knowingly uses another individual who is seventeen  
14 years of age or older to contact or communicate with a person who has not yet  
15 attained the age of seventeen and there is an age difference of greater than two years  
16 between the person contacted and the offender or a person reasonably believed to  
17 have not yet attained the age of seventeen and reasonably believed to be at least two  
18 years younger than the offender, for the purpose of or with the intent to engage in  
19 any of the conduct proscribed by Paragraph (1) of this Subsection.

20 \* \* \*

21 §81.4. Prohibited sexual conduct between educator and student

22 A. Prohibited sexual conduct between an educator and a student is  
23 committed when any of the following occur:

24 \* \* \*

25 (2) An educator commits any lewd or lascivious act upon a student or in the  
26 virtual or physical presence of a student who is seventeen years of age or older, but

1 less than twenty-one years of age, where there is an age difference of greater than  
2 four years between the two persons, with the intention of gratifying the sexual  
3 desires of either person, when the victim is a student at the school in which the  
4 educator is assigned, employed, or working at the time of the offense.

5 \* \* \*

6 B. As used in this Section:

7 \* \* \*

8 (5) "Virtual" means carried out, accessed, or stored by means of a computer  
9 or the exchange of digital media over any network.

10 \* \* \*

11 §283. Video voyeurism; penalties

12 A. Video voyeurism is any of the following:

13 \* \* \*

14 (3) The manipulation of a victim who has not yet attained the age of  
15 seventeen or who is reasonably believed to have not yet attained the age of seventeen  
16 to use any camera, videotape, photo-optical, photo-electric, or any other image  
17 recording device or an unmanned aircraft system equipped with any camera,  
18 videotape, photo-optical, photo-electric, or any other image recording device to  
19 photograph, film, or videotape oneself to send to the person manipulating the victim  
20 for a lewd or lascivious purpose.

21 \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 140

BY SENATOR HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 14:130.1(B)(3) and to enact 14:130.1(B)(4), relative to the crime of obstruction of justice; to provide for an exception; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:130.1(B)(3) is hereby amended and reenacted and R.S. 14:130.1(B)(4) is hereby enacted to read as follows:

§130.1. Obstruction of justice

\* \* \*

B. Whoever commits the crime of obstruction of justice shall be subject to the following penalties:

\* \* \*

(3) When the obstruction of justice involves any other criminal proceeding, **except as provided in Paragraph (4) of this Subsection,** the offender shall be fined not more than ten thousand dollars, imprisoned for not more than five years, with or without hard labor, or both.

**(4) When the obstruction of justice is committed as described in Paragraph (A)(1) of this Section and involves any misdemeanor criminal proceeding that does not involve an intentional misdemeanor directly affecting**

1            the person, the offender shall be fined not more than five hundred dollars,  
2            imprisoned for not more than six months, or both.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2021 Regular Session

# ACT No. 248

HOUSE BILL NO. 15

BY REPRESENTATIVES MACK AND VILLIO

1 AN ACT

2 To enact R.S. 14:68.4.1 and 68.4.2 and R.S. 15:1352(A)(67) and (68), relative to motor  
3 vehicles; to create the crimes of staging of a motor vehicle collision and aggravated  
4 staging of a motor vehicle collision; to provide for definitions; to provide for  
5 criminal penalties; to provide for additional crimes that are elements of racketeering  
6 activity; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:68.4.1 and 14:68.4.2 are hereby enacted to read as follows:

9 §68.4.1. Staging of a motor vehicle collision

10 A. Staging of a motor vehicle collision is any of the following with an intent  
11 to defraud:

12 (1) Causing a motor vehicle collision for the purpose of obtaining anything  
13 of value.

14 (2) Providing information in connection with a motor vehicle collision,  
15 knowing that the collision was intentionally caused, for the purpose of obtaining  
16 anything of value.

17 (3) Providing false information in connection with a motor vehicle collision  
18 that did not occur for the purpose of obtaining anything of value.

19 B. Whoever commits the crime of staging of a motor vehicle collision shall  
20 be imprisoned, with or without hard labor, for not more than five years, fined not  
21 more than five thousand dollars, or both.

1           §68.4.2. Aggravated staging of a motor vehicle collision

2                   A. Aggravated staging of a motor vehicle collision is the staging of a motor  
3                   vehicle collision, as defined in R.S. 14:68.4.1, which causes death or serious bodily  
4                   injury to another person.

5                   B. Whoever commits the crime of aggravated staging of a motor vehicle  
6                   collision shall be imprisoned, with or without hard labor, for not less than five years  
7                   nor more than thirty years, fined not more than fifteen thousand dollars, or both.

8           Section 2. R.S. 15:1352(A)(67) and (68) are hereby enacted to read as follows:

9           §1352. Definitions

10                   A. As used in this Chapter, "racketeering activity" means committing,  
11                   attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating  
12                   another person to commit any crime that is punishable under the following  
13                   provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform  
14                   Controlled Dangerous Substances Law, or the Louisiana Securities Law:

15   \*       \*       \*

16   (67) R.S. 14:68.4.1 (Staging of a motor vehicle collision)

17   (68) R.S. 14:68.4.2 (Aggravated staging of a motor vehicle collision)

18   \*       \*       \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



2021 Regular Session  
HOUSE BILL NO. 265  
BY REPRESENTATIVE BRASS

# ACT No. 265

1 AN ACT

2 To amend and reenact R.S. 14:337(E)(2) and to enact R.S. 14:337(B)(3)(e) and (f), relative  
3 to the crime of unlawful use of an unmanned aircraft system; to provide for increased  
4 penalties; to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:337(E)(2) is hereby amended and reenacted and R.S.  
7 14:337(B)(3)(e) and (f) are hereby enacted to read as follows:

8 §337. Unlawful use of an unmanned aircraft system

9 \* \* \*

10 B. As used in this Section, the following definitions shall apply:

11 \* \* \*

12 (3) "Targeted facility" means the following systems:

13 \* \* \*

14 (e) Critical infrastructure as defined by R.S. 14:61(B).

15 (f) Grain elevators and grain storage facilities.

16 \* \* \*

17 E.

18 \* \* \*

19 (2) On a conviction for a second or subsequent offense as provided in  
20 Paragraph (A)(1) of this Section, the offender shall be fined not less than five  
21 hundred dollars nor more than ~~two~~ four thousand dollars, or imprisoned, with or

1 without hard labor, for not less than six months nor more than ~~one year~~ two years,  
2 or both.

3 \* \* \*

4 Section 2. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2021 Regular Session  
HOUSE BILL NO. 156

# ACT No. 275

BY REPRESENTATIVE FREIBERG

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AN ACT

To amend and reenact R.S. 11:701(33)(a)(ii)(aa), R.S. 14:403.1(B)(6), R.S. 15:1134(A), R.S. 17:7(27)(a)(ii)(aa), 7.2(A)(4), 24.1(K), 46(A)(1)(b), 392.1(E), 414.2(A), 416.8(A)(1)(a)(iii), 1170, 1200(A) and (B), 2926(A)(introductory paragraph) and (B)(1), the title of Chapter 19 of Title 17 of the Louisiana Revised Statutes of 1950, 3002(A), (B), (C)(introductory paragraph), and (D)(1) and (3), 3003, 3004, 3005(A), (B), (C)(introductory paragraph), (D), and (E), 3006(A), 3162(C)(8), 3166(section heading) and 3602(7), R.S. 18:116(A)(2)(a), and R.S. 42:1119(B)(2)(a)(iv), relative to school employees; to provide for technical changes with respect to the terms "guidance counselor" and "school counselor"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:701(33)(a)(ii)(aa) is hereby amended and reenacted to read as follows:

§701. Definitions

As used in this Chapter, the following words and phrases have the meanings ascribed to them in this Section unless a different meaning is plainly required by the context:

\* \* \*

(33)(a) "Teacher", except as provided in Subparagraph (b) of this Paragraph, shall mean any of the following:

\* \* \*

1 (ii)(aa) Any president, vice president, dean, teacher, ~~guidance~~ school  
 2 counselor, or unclassified employee at any state college or university or any  
 3 vocational-technical school or institution or special school under the control of the  
 4 State Board of Elementary and Secondary Education, or any educational institution  
 5 supported by and under the control of the state or any city, parish, or other local  
 6 school board.

7 \* \* \*

8 Section 2. R.S. 14:403.1(B)(6) is hereby amended and reenacted to read as follows:  
 9 §403.1. Substance abuse in schools; definitions; confidential reports; immunity;  
 10 penalty

11 \* \* \*

12 B. For the purposes of this Section, the following terms shall mean:

13 \* \* \*

14 (6) "Substance Abuse Prevention Team," hereafter sometimes referred to as  
 15 "the team," is a panel of not less than six members consisting of at least one (a)  
 16 administrator, (b) teacher, (c) ~~guidance~~ school counselor, (d) parent representative,  
 17 and (e) school support person. The team shall be trained by personnel from the  
 18 Substance Abuse Prevention Education Program of the Louisiana Department of  
 19 Education. In the absence of the availability of a team trained by personnel from the  
 20 Substance Abuse Prevention Education Program, the principal of a school may  
 21 establish a substantially similar panel which shall be considered a substance abuse  
 22 prevention team.

23 \* \* \*

24 Section 3. R.S. 15:1134(A) is hereby amended and reenacted to read as follows:  
 25 §1134. Staff and facilities of community rehabilitation centers

26 A. The Department of Corrections may employ psychiatrists, neurologists,  
 27 special educators, ~~guidance~~ school counselors, psychologists, nurses, technicians,  
 28 social workers, occupational therapists, physicians and other professional personnel  
 29 to staff community rehabilitation centers, or may contract for the services of such

1 persons with community service organizations, religious groups, universities and  
2 medical schools.

3 \* \* \*

4 Section 4. R.S. 17:7(27)(a)(ii)(aa), 7.2(A)(4), 24.1(K), 46(A)(1)(b), 392.1(E),  
5 414.2(A), 416.8(A)(1)(a)(iii), 1170, 1200(A) and (B), 2926(A)(introductory paragraph) and  
6 (B)(1), the title of Chapter 19 of Title 17 of the Louisiana Revised Statutes of 1950,  
7 3002(A), (B), (C)(introductory paragraph), and (D)(1) and (3), 3003, 3004, 3005(A), (B),  
8 (C)(introductory paragraph), (D), and (E), 3006(A), 3162(C)(8), 3166(section heading), and  
9 3602(7) are hereby amended and reenacted to read as follows:

10 §7. Duties, functions, and responsibilities of board

11 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and  
12 responsibilities vested by any other applicable laws, the board shall:

13 \* \* \*

14 (27)(a)

15 \* \* \*

16 (ii) The provisions of Item (I) of this Subparagraph shall not apply to the  
17 following:

18 (aa) Interaction between a student and ~~guidance~~ school counselor as defined  
19 in R.S. 17:3002.

20 \* \* \*

21 §7.2. Approved teacher education programs

22 A. In carrying out its responsibility to prescribe the qualifications and  
23 provide for the certification of teachers under authority of R.S. 17:7(6), the State  
24 Board of Elementary and Secondary Education, subject to the constitutional power  
25 and authority of the Board of Regents, the Board of Supervisors for the University  
26 of Louisiana System, the Board of Supervisors of Louisiana State University and  
27 Agricultural and Mechanical College, and the Board of Supervisors of Southern  
28 University and Agricultural and Mechanical College, shall establish qualifications  
29 and requirements for the approval of teacher education programs from which  
30 graduates may be certified. The qualifications and requirements established by the

1 State Board of Elementary and Secondary Education for an approved teacher  
2 education program shall include but not be limited to the following:

3 \* \* \*

4 (4) That the institution offering the program provide procedures for student  
5 evaluation and counseling such that upon initial entry into the institution each  
6 student shall be evaluated with respect to his aptitude and suitability for his intended  
7 major academic field by a ~~guidance~~ school counselor assigned to the student in  
8 accordance with procedures determined by the institution. The evaluation shall be  
9 based upon the student's grade point average in high school, college entrance  
10 examination, placement tests where applicable, and any other additional tests or  
11 evaluative instruments deemed appropriate by the ~~guidance~~ school counselor. The  
12 counselor shall advise the student concerning his aptitude and suitability for  
13 particular fields of study, based on his findings from all such tests and instruments.  
14 No student shall be required to expend any funds for the administration or taking of  
15 any test or evaluative instrument or to take any test or be evaluated by any  
16 instrument either of which the student deems invasive of his privacy. Evaluation and  
17 counseling shall place particular emphasis on aptitude and suitability for teaching in  
18 the case of any student indicating his intention to follow a teacher education  
19 curriculum.

20 \* \* \*

21 §24.1. State Department of Education; in-service training programs

22 \* \* \*

23 K. The state superintendent, through the Regional Service Centers, shall  
24 make available to teachers and ~~guidance~~ school counselors, in-service training in  
25 current techniques of classroom management and discipline and in the current  
26 techniques of counseling and advisement practices.

27 \* \* \*

28 §46. Sabbatical leave program

29 A.(1)

30 \* \* \*

1 (b) As used in this Subpart, the words "teacher" or "teaching staff" shall  
 2 include any social worker, ~~guidance~~ school counselor, school nurse, audiologist,  
 3 educational diagnostician, speech-language pathologist, or school psychologist  
 4 employed by a special school who holds the appropriate valid professional ancillary  
 5 certificate issued by the state Department of Education and who has served in the  
 6 Special School District for the number of years required for probationary teachers  
 7 to attain tenure. For a school nurse, a professional ancillary certificate means a Type  
 8 A, Type B, or Type C certificate.

9 \* \* \*

10 §392.1. Screening and intervention; purpose; applicability; city and parish school  
 11 system, duties

12 \* \* \*

13 E. The screenings required by this Section shall be done directly by  
 14 elementary ~~guidance~~ school counselors, pupil appraisal personnel, teachers, or any  
 15 other professional employees of the school system who have been appropriately  
 16 trained, all of whom shall operate as advocates for the children identified as needing  
 17 services or assistance pursuant to this Part. No screenings shall be done by persons  
 18 who have not been trained to do such screenings, consistent with the requirements  
 19 established for such training by the State Board of Elementary and Secondary  
 20 Education.

21 \* \* \*

22 §414.2. Influence by superintendent, principals, and others on student grades;  
 23 board's duty; limitations on grade changes

24 A. No school board member, school superintendent, assistant superintendent,  
 25 principal, ~~guidance~~ school counselor, other ~~teachers~~, teacher or other administrative  
 26 staff ~~members~~ member of the school or the central staff of a parish or city school  
 27 board shall attempt, directly or indirectly, to influence, alter, or otherwise affect the  
 28 grade received by a student from his teacher except as otherwise specifically  
 29 permitted by this Section.

30 \* \* \*

1 §416.8. Discipline policy review committees; school option

2 A.(1)(a) Each city and parish school board shall establish a discipline policy  
3 review committee composed of sixteen members as follows:

4 \* \* \*

5 (iii) Two ~~guidance~~ school counselors to be elected by their peers.

6 \* \* \*

7 §1170. Definitions

8 As used in this Subpart, the words "teacher" or "teaching staff" shall include  
9 any person employed by a city, parish, or other local public school board in the state  
10 of Louisiana who holds a valid teaching certificate issued by the state Department  
11 of Education and any social worker, ~~guidance~~ school counselor, school nurse,  
12 audiologist, educational diagnostician, speech-language pathologist, or school  
13 psychologist employed by a city, parish, or other local public school board in the  
14 state who holds the appropriate valid professional ancillary certificate issued by the  
15 state Department of Education. For a school nurse, a professional ancillary  
16 certificate means a Type A, Type B, or Type C certificate.

17 \* \* \*

18 §1200. Definitions

19 A. As used in this Subpart, except in R.S. 17:1201, the words "teacher" or  
20 "teaching staff" shall include any member of the teaching staff of a public school in  
21 the state of Louisiana and any social worker, ~~guidance~~ school counselor, or school  
22 psychologist employed by a city, parish, or other local public school board in the  
23 state who holds, as applicable, a valid professional ancillary certificate in school  
24 social work, ~~guidance~~ school counseling, or school psychology issued by the state  
25 Department of Education.

26 B. As used in R.S. 17:1201, the words "teacher" or "teaching staff" shall  
27 include any person employed by a city, parish, or other local public school board in  
28 the state of Louisiana who holds a valid teaching certificate issued by the state  
29 Department of Education and any social worker, ~~guidance~~ school counselor, or  
30 school psychologist employed by a city, parish, or other local public school board



1 in the state who holds, as applicable, a valid professional ancillary certificate in  
2 school social work, ~~guidance~~ school counseling, or school psychology issued by the  
3 state Department of Education.

4 \* \* \*

5 §2926. Student ~~guidance~~ and counseling; training and professional development

6 A. The State Board of Elementary and Secondary Education shall develop  
7 a ~~guidance~~ and an advisement policy for the middle and high school grades that local  
8 school districts can use to equip school ~~guidance personnel~~ counselors with the skills  
9 and information needed to:

10 \* \* \*

11 B.(1) The state Department of Education shall provide professional  
12 development and in-service training opportunities to school ~~guidance personnel~~  
13 counselors regarding development of individual graduation plans.

14 \* \* \*

15 CHAPTER 19. GUIDANCE SCHOOL COUNSELORS AND DIRECTORS

16 \* \* \*

17 §3002. Definition of terms

18 A. The terms "~~guidance~~ school counselor," "~~guidance~~ counseling director,"  
19 and "practice of school ~~guidance~~ counseling" for the purposes of this Chapter shall  
20 have the meaning respectively ascribed to them in this Section.

21 B. "~~Guidance~~ School counselor" is a member of the school faculty who by  
22 training and background, is qualified to engage in educational and vocational  
23 counseling and advisement. The purpose of a ~~guidance~~ school counselor is to help  
24 students to arrive at their full potential through a process involving direct contact  
25 between the counselor and a student, parents, teachers, school administrators and/or  
26 others.

27 C. "~~Guidance~~ Counseling director" is a member of the school faculty who  
28 functions as a ~~guidance~~ school counselor but has the following additional  
29 responsibilities in the school system:

30 \* \* \*

1           D.(1) The "practice of school ~~guidance~~ counseling" means the rendering,  
 2 offering to render, or supervising those who render to individuals or groups of pupils  
 3 within the elementary, secondary, and postsecondary schools, services involving the  
 4 application of counseling procedures for learning how to solve problems and make  
 5 decisions.

6   \*           \*           \*

7           (3) A ~~guidance~~ school counselor shall devote not less than two-thirds of each  
 8 academic school year to the practice of school ~~guidance~~ counseling.

9           §3003. Authorization for employment

10           The Louisiana State Board of Elementary and Secondary Education is  
 11 authorized and directed to use these funds for the purpose of providing employment  
 12 for ~~guidance~~ school counselors and counseling directors in each ~~parish and city~~ city,  
 13 parish, or other local public school system.

14           §3004. Selection and responsibility

15           The ~~guidance~~ school counselors and counseling directors shall be selected by  
 16 and be responsible to the local school officials in each ~~parish and city~~ city, parish,  
 17 or other local public school system.

18           §3005. Elementary school ~~guidance~~ counselors; availability; guidelines;  
 19 requirements; ~~guidance~~ counseling services; work time; exceptions;  
 20 reporting; funding

21           A. Each ~~parish and city~~ city, parish, or other local public school board shall  
 22 provide elementary school ~~guidance~~ counselors for all students in kindergarten  
 23 through grade six in the public elementary schools in the state in accordance with  
 24 guidelines as established by the State Board of Elementary and Secondary Education.  
 25 Such guidelines shall require that there shall be one ~~guidance~~ school counselor for  
 26 every four hundred students.

27           B. Any elementary school ~~guidance~~ counselor employed by a ~~parish or city~~  
 28 school board pursuant to the provisions of this Section shall be certified as required  
 29 by the state of Louisiana.

1           C. Such ~~guidance~~ school counselors shall provide preventive and  
 2 developmental ~~guidance~~ counseling services to all public elementary school students  
 3 in kindergarten through grade six in order to prepare them for middle, junior, and  
 4 senior high school responsibilities and their social and physical development. In  
 5 providing such ~~guidance~~ counseling services, the counselors may:

6   \*           \*           \*

7           D. ~~Guidance~~ School counselors shall spend the majority of their time on  
 8 providing direct counseling related to students.

9           E. Nothing in Subsection A of this Section shall prohibit any ~~parish or city~~  
 10 school board from employing more elementary school ~~guidance~~ counselors than  
 11 provided in Subsection A.

12   \*           \*           \*

13           §3006. School ~~guidance~~ counselors; academic profiles; public high schools;  
 14 required

15           A. Each school ~~guidance~~ counselor, or the counselor's qualified designee,  
 16 employed in a public high school shall complete an academic profile for each student  
 17 in the ninth grade using an appropriate web-based student ~~guidance~~ counseling  
 18 system.

19   \*           \*           \*

20           §3162. Statewide Articulation and Transfer Council; creation; purpose;  
 21 membership; duties and responsibilities

22   \*           \*           \*

23           C. The council shall, with appropriate faculty consultation:

24   \*           \*           \*

25           (8) Develop policies to align articulation and transfer policies established by  
 26 educational institutions including but not limited to admissions criteria, student  
 27 ~~guidance and~~ counseling, and grade forgiveness.

28   \*           \*           \*

29           §3166. Student ~~guidance and~~ counseling

30   \*           \*           \*

1 §3602. Definitions

2 As used in this Chapter, unless otherwise clearly indicated, these terms have  
3 the following meanings:

4 \* \* \*

5 (7) "Teacher" means any public school classroom teacher, librarian,  
6 ~~guidance~~ school counselor, secondary vocational instructor, principal, assistant  
7 principal, or other personnel for whom a valid Louisiana teaching certificate is  
8 required for employment; any teacher in an institution which offers thirteenth and  
9 fourteenth grade instruction; any speech therapist who possesses a valid Louisiana  
10 ancillary certificate issued by the State Board of Elementary and Secondary  
11 Education; and any instructor seeking to continue in the program who has been  
12 transferred from the Department of Public Safety and Corrections to vocational-  
13 technical schools under the State Board of Elementary and Secondary Education.

14 \* \* \*

15 Section 5. R.S. 18:116(A)(2)(a) is hereby amended and reenacted to read as follows:

16 §116. Voter registration agencies

17 A.

18 \* \* \*

19 (2) In addition to the offices listed in Paragraph (1) of this Subsection, the  
20 secretary of state shall designate by rule in accordance with the Administrative  
21 Procedure Act other offices within the state as designated voter registration agencies.  
22 Such offices may include but not be limited to:

23 (a) State or local governmental offices such as public libraries, public  
24 schools, including the office of a secondary school ~~guidance~~ counselor, offices of  
25 municipal clerks, and government revenue offices.

26 \* \* \*

27 Section 6. R.S. 42:1119(B)(2)(a)(iv) is hereby amended and reenacted to read as  
28 follows:

29 §1119. Nepotism

30 \* \* \*

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B.

\* \* \*

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection:

(a)

\* \* \*

(iv) Any local school board in a parish with a population of twenty-five thousand five hundred persons or less according to the most recent federal decennial census may employ any member of the immediate family of any board member or of the superintendent as a school ~~guidance~~ counselor provided that such family member is certified as a ~~guidance~~ school counselor and that such family member is the only applicant who meets the qualifications for the position set by the school board who has applied for the position after it has been advertised for at least thirty days in the official journal of the parish and in all newspapers of general circulation in the parish. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of such employee.

\* \* \*

Section 7. The provisions of this Act shall not deem a certified "guidance counselor" unfit to serve as a "school counselor". Certification in "guidance counseling" shall remain valid for the purposes of fulfilling the duties of the position of a school counselor.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2021 Regular Session  
HOUSE BILL NO. 473  
BY REPRESENTATIVE MINCEY

# ACT No. 403

1 AN ACT

2 To amend and reenact R.S. 14:91.6(A) and 91.8(C), (D), (E), and (F)(1) and (2)(introductory  
3 paragraph), R.S. 26:793(C)(1), 910, 910.1(A), 911(A)(1), and 917(A)(introductory  
4 paragraph), and R.S. 47:851(C)(2), and to enact R.S. 26:901.1, relative to tobacco  
5 products; to provide relative to alternative nicotine products and vapor products; to  
6 provide relative to the unlawful distribution, sale, and possession; to raise the  
7 minimum age of persons for sale, purchase, and possession; to provide for legislative  
8 facts and findings; to require unannounced compliance checks; to require  
9 identification under certain circumstances; to provide relative to vending machines  
10 and self-service displays; to provide for violations; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 14:91.6(A) and 91.8(C), (D), (E), and (F)(1) and (2)(introductory  
13 paragraph) are hereby amended and reenacted to read as follows:

14 §91.6. Unlawful distribution of sample tobacco products, alternative nicotine  
15 products, or vapor products to persons under age ~~eighteen~~ twenty-one;  
16 penalty

17 A. No person shall distribute or cause to be distributed to persons under  
18 ~~eighteen~~ twenty-one years of age a promotional sample of any tobacco product,  
19 alternative nicotine product, or vapor product.

20 \* \* \*

21 §91.8. Unlawful sale, purchase, or possession of tobacco, alternative nicotine  
22 ~~product~~ products, or vapor ~~product~~ products; signs required; penalties

23 \* \* \*

1 C. It is unlawful for any manufacturer, distributor, retailer, or other person  
2 ~~knowingly~~ to sell or distribute any tobacco product, alternative nicotine product, or  
3 vapor product to a person under the age of ~~eighteen~~ twenty-one. However, it shall  
4 not be unlawful for a person under the age of ~~eighteen~~ twenty-one to accept receipt  
5 of a tobacco product, alternative nicotine product, or vapor product from an  
6 employer when required in the performance of such person's duties. At the point of  
7 ~~purchase~~ sale, a sign, in not less than 30-point type, shall be displayed in a manner  
8 conspicuous to both employees and consumers, within any location where tobacco  
9 products, alternative nicotine products, vapor products, or vapor paraphernalia and  
10 devices are available for purchase, that reads "LOUISIANA LAW PROHIBITS THE  
11 SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR  
12 VAPOR PRODUCTS, OR VAPOR PARAPHERNALIA AND DEVICES TO  
13 PERSONS UNDER AGE ~~18~~ 21". The sign shall also include a notice that displays  
14 the telephone number for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and  
15 the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as  
16 determined by the ~~state department of health~~ Louisiana Department of Health.

17 D. It is unlawful for a vending machine operator to place in use a vending  
18 machine to vend any tobacco product, alternative nicotine product, or vapor product  
19 automatically, unless the machine displays a sign or sticker in not less than 22-point  
20 type on the front of the machine stating, "LOUISIANA LAW PROHIBITS THE  
21 SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR  
22 VAPOR PRODUCTS TO PERSONS UNDER AGE ~~18~~ 21". The sign shall also  
23 include a notice that displays the telephone number for the Louisiana Tobacco  
24 Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline  
25 (www.quitwithusla.org), as determined by the ~~state department of health~~ Louisiana  
26 Department of Health.

27 E. It is unlawful for any person under the age of ~~eighteen~~ twenty-one to ~~buy~~  
28 be sold any tobacco product, alternative nicotine product, or vapor product.

29 F.(1) It is unlawful for any person under the age of ~~eighteen~~ twenty-one to  
30 possess any tobacco product, alternative nicotine product, or vapor product.

1 (2) However, it shall not be unlawful for a person under the age of ~~eighteen~~  
2 twenty-one to possess a tobacco product, alternative nicotine product, or vapor  
3 product under any of the following circumstances:

4 \* \* \*

5 Section 2. R.S. 26:793(C)(1), 910, 910.1(A), 911(A)(1), and 917(A)(introductory  
6 paragraph) are hereby amended and reenacted and R.S. 26:901.1 is hereby enacted to read  
7 as follows:

8 §793. Additional powers of the commissioner

9 \* \* \*

10 C.(1) In order to ensure compliance with laws prohibiting the sale or service  
11 of alcoholic beverages, tobacco, alternative nicotine, or vapor products to underage  
12 persons, the commissioner shall at least once annually conduct random, unannounced  
13 inspections at locations where alcoholic beverages, tobacco, or alternative nicotine,  
14 or vapor products are sold, served, or distributed. Persons ~~under~~ over the age of  
15 ~~eighteen~~ or sixteen and under the age of twenty-one may ~~shall~~ be enlisted by  
16 employees of the office of alcohol and tobacco control to test compliance, but such  
17 persons may be used only if the testing is conducted under the direct supervision of  
18 such employees and written parental consent has been provided if the person is under  
19 the age of eighteen. Any person under the age of eighteen or twenty-one shall either  
20 carry the person's own identification showing the person's correct date of birth or  
21 shall carry no identification. A person under the age of ~~eighteen~~ or twenty-one who  
22 carries identification shall, on request, present it to any seller or server of alcoholic  
23 beverages, tobacco, or alternative nicotine or vapor products. In addition, any person  
24 under the age of ~~eighteen~~ or twenty-one enlisted under this Subsection shall  
25 truthfully answer any questions about the person's age. Except where expressly  
26 authorized in writing by the commissioner in furtherance of the objectives of this  
27 Section, any other use of persons under the age of ~~eighteen~~ or twenty-one to test  
28 compliance with the provisions of this Section or any other prohibition of like or  
29 similar import shall be unlawful and the person or persons responsible for such use  
30 shall be subject to the penalties prescribed in this Title or R.S. 14:91.6, 91.8(H), 92,



1 or 93.11. Unannounced follow-up compliance checks of all noncompliant retailers  
2 are required within three months of any violation of this Chapter.

3 \* \* \*

4 §901.1. Facts and findings

5 A. The federal Further Consolidated Appropriations Act of 2020 (P.L. 116-  
6 94) raised the federal minimum age for sale of tobacco products from eighteen years  
7 old to twenty-one years old. The Section of that Act providing for this change  
8 became known as "Tobacco 21" or "T21". The new federal minimum age of sale of  
9 tobacco and tobacco products was effective immediately and applies to all retail  
10 establishments and persons with no exceptions.

11 B.(1) Federal enforcement of the federal change in age is through the federal  
12 block grant program for mental health and substance abuse. In 1992, Congress  
13 enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization  
14 Act (P.L. 102-321), which included an amendment (Section 1926 known as the  
15 Synar Amendment) aimed at decreasing youth access to tobacco. This amendment  
16 requires states to enact and enforce laws regarding tobacco and tobacco product sales  
17 in compliance with federal law in order to receive their full Substance Abuse  
18 Prevention and Treatment Block Grant (SABG) award.

19 (2) T21 contained a transition period of three years from the date of  
20 enactment before monies may be withheld from a SABG award to a state for  
21 noncompliance. The Act requires states to document and report to the secretary of  
22 the United States Department of Health and Human Services efforts made to come  
23 into compliance with federal law.

24 (3) T21 provides for the United States Food and Drug Administration to  
25 continue to conduct random and unannounced compliance check inspections on  
26 tobacco product retailers to determine a retailer's compliance with federal law and  
27 regulations. While T21 did not provide for a grace period or transition period for  
28 tobacco retailers, the United States Food and Drug Administration has agreed to  
29 continue to use minors under the age of eighteen for undercover buy inspections in  
30 its compliance check program.



1 §910.1. Self-service displays

2 A. In order to prevent persons under ~~eighteen~~ twenty-one years of age from  
3 purchasing or receiving tobacco products, alternative nicotine products, or vapor  
4 products from self-service displays, the sale or delivery of such products through a  
5 self-service display is prohibited unless the machine is a vending machine as defined  
6 in R.S. 26:910 that complies with the terms and provisions of that Section.

7 \* \* \*

8 §911. Acts prohibited

9 A. No person, agent, associate, employee, representative, or servant of any  
10 person shall permit any of the following acts to be done on or about any premises  
11 which sells or offers for sale tobacco products, alternative nicotine products, or vapor  
12 products:

13 (1) Sell or serve tobacco products, alternative nicotine products, or vapor  
14 products over-the-counter in a retail establishment to any person under the age of  
15 ~~eighteen unless such person submits~~ twenty-one. All persons engaging in the retail  
16 sale of tobacco products, alternative nicotine products, or vapor products shall check  
17 the identification of any tobacco purchaser to establish the age of the purchaser. A  
18 person shall verify age by submitting a driver's license, selective service card, or  
19 other lawful identification which on its face establishes the age of the person as  
20 ~~eighteen~~ twenty-one years or older and there is no reason to doubt the authenticity  
21 or correctness of the identification.

22 \* \* \*

23 §917. Violations by employee; employer liability

24 A. Sale of tobacco products, alternative nicotine products, or vapor products  
25 to a ~~minor~~ person under twenty-one years of age by a retail dealer's agent, associate,  
26 employee, representative, or servant shall be considered an act of the retail dealer for  
27 purposes of suspension, revocation, or assessment of civil penalties unless all of the  
28 following conditions exist:

29 \* \* \*

1 Section 3. R.S. 47:851(C)(2) is hereby amended and reenacted to read as follows:

2 §851. Monthly reports required; dealers receiving unstamped cigarettes, cigars, and  
3 smoking tobaccos; dealers receiving certain items for which taxes are not  
4 paid; vending machine restrictions

5 \* \* \*

6 C. Vending machine operators.

7 \* \* \*

8 (2) In accordance with R.S. 14:91.8(D), vending machine operators shall  
9 affix a sign or sticker in not less than 22-point type on the front of each machine  
10 stating, "LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS,  
11 ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO  
12 PERSONS UNDER AGE ~~18~~ 21".

13 \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

SENATE BILL NO. 247 (Substitute of Senate Bill No. 202 by Senator Cortez)

BY SENATORS CORTEZ, JOHNS AND WARD AND REPRESENTATIVE  
STEFANSKI

## 1 AN ACT

2 To amend and reenact R.S. 13:4721, R.S. 14:90.5(A), (B), and (C), R.S. 27:15(B)(1), 15.1,  
3 24(A)(5) and (6), the introductory paragraph of 27.1(C), 44(9), (11), and (13), 58(5),  
4 65(B)(11), 205(11) and (12), 239.1, 353(2) and (5), 361(F), 364(A)(1)(c)(ii) and (5),  
5 371(C), 372(B) and (C), and 375(D), 417(A)(2)(introductory paragraph), and R.S.  
6 46:1816(B)(8), to enact R.S. 14:90(E) and 90.3(K) and R.S. 27:15(B)(8)(c), 205(35),  
7 249.1, Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950, to be  
8 comprised of R.S. 27:601 through 611, and 627, and to repeal R.S. 27:24(A)(5)(f),  
9 relative to sports wagering; to provide for definitions; to require a license to conduct  
10 sports wagering; to provide relative to duties and powers of the Louisiana Gaming  
11 Control Board and the gaming division in the office of state police; to provide for  
12 requirements and limitations on licensees and permittees; to authorize cash wagers;  
13 to authorize racehorse wagering at certain licensees; to require a sports lounge; to  
14 provide regarding a computerized wagering platform; to provide for limitations on  
15 wagering; to authorize self-service machines; to authorize electronic wagering  
16 through established wager accounts; to provide for recordkeeping; to provide for  
17 exceptions from criminal law; to provide for an effective date; and to provide for  
18 related matters.

19 Be it enacted by the Legislature of Louisiana:

20 Section 1. R.S. 27:15(B)(1), 15.1, 24(A)(5) and (6), the introductory paragraph of  
21 27.1(C), 44(9), (11), and (13), 58(5), 65(B)(11), 205(11) and (12), 239.1, 353(2) and (5),  
22 361(F), 364(A)(1)(c)(ii) and (5), 371(C), 372(B) and (C), 375(D), and  
23 417(A)(2)(introductory paragraph) are hereby amended and reenacted and R.S.  
24 27:15(B)(8)(c), 205(35), 249.1, Chapter 10 of Title 27 of the Louisiana Revised Statutes of

1 1950, comprised of R.S. 27:601 through 611, and 627, are hereby enacted to read as follows:

2 §15. Board's authority; responsibilities

3 \* \* \*

4 B. The board shall:

5 (1) Have all regulatory authority, control, and jurisdiction, including  
6 investigation, licensing, and enforcement, and all power incidental or necessary to  
7 such regulatory authority, control, and jurisdiction over all aspects of gaming  
8 activities and operations as authorized pursuant to the provisions of the Louisiana  
9 Riverboat Economic Development and Gaming Control Act, the Louisiana  
10 Economic Development and Gaming Corporation Act, the Video Draw Poker  
11 Devices Control Law, ~~and~~ the Louisiana Fantasy Sports Contests Act, **and the**  
12 **Louisiana Sports Wagering Act**, except as otherwise specified in this Title. Further,  
13 the board shall have all regulatory, enforcement, and supervisory authority which  
14 exists in the state as to gaming on Indian lands as provided in the provisions of Act  
15 No. 888 of the 1990 Regular Session of the Legislature and Act No. 817 of the 1993  
16 Regular Session of the Legislature.

17 \* \* \*

18 (8)

19 \* \* \*

20 **(c) Adopt, pursuant to the Administrative Procedure Act and as**  
21 **specifically provided for in R.S. 27:603, all rules necessary to implement,**  
22 **administer, and regulate sports wagering as authorized by Chapter 10 of this**  
23 **Title.**

24 \* \* \*

25 §15.1. Sports wagering

26 ~~A. In the event of the legalization of sports wagering in any parish as a result~~  
27 ~~of the proposition election held on November 3, 2020, the~~ **The** Louisiana Gaming  
28 Control Board shall have all regulatory authority, control, and jurisdiction, including  
29 investigation, licensing, and enforcement, and all power incidental or necessary to  
30 such regulatory authority, control, and jurisdiction over all aspects of sports

1           wagering activities and operations, except as otherwise specified in this Title.

2                   B. ~~For purposes of this Section, "sports wagering" shall be defined as the~~  
3 ~~business of accepting wagers on any sports event or sports contest by any system or~~  
4 ~~method of wagering.~~

5   \*       \*       \*

6           §24. Rulemaking authority; fees and fines, collection

7                   A. The board, in accordance with the Administrative Procedure Act and R.S.  
8 27:15(B)(8), shall promulgate all rules and regulations necessary to carry out the  
9 provisions of this Title, including but not limited to the following:

10   \*       \*       \*

11                   (5) A procedure requiring the withholding of payments of progressive slot  
12 machine annuities and cash gaming winnings of persons who have outstanding child  
13 support arrearages or owing child support overpayments, prior to the payment of a  
14 progressive slot machine annuity, beginning with the second annuity payment, or  
15 cash gaming winnings. Progressive slot machine annuities or cash gaming winnings  
16 shall ~~only~~ include only payments for which the entity licensed or permitted under  
17 ~~Chapters~~ Chapter 1, 4, 5, or 7, or 10 of this Title ~~27 of the Louisiana Revised~~  
18 ~~Statutes of 1950~~, is required to file form W2-G, or a substantially equivalent form,  
19 with the United States Internal Revenue Service.

20                   (a) The board may require that the agency reporting current child support  
21 arrearages or overpayments ~~to~~ provide information relating to such arrearages or  
22 overpayments in a manner, format, or record approved by the board that gives the  
23 entity licensed or permitted under ~~Chapters~~ Chapter 1, 4, 5, or 7, or 10 of this Title  
24 ~~27 of the Louisiana Revised Statutes of 1950~~, real-time or immediate electronic  
25 database access to the information. If the information relating to such arrearages or  
26 overpayments by the agency reporting current child support arrearages or  
27 overpayments is not available through real-time or immediate electronic database  
28 access, the licensee shall not be responsible for withholding cash gaming winnings  
29 in accordance with the provisions of this Subparagraph.

30                   (b) The board or any entity licensed or permitted under ~~Chapters~~ Chapter 1,

1 4, 5, or 7, **or 10** of **this** Title 27 of the Louisiana Revised Statutes of 1950, including  
2 any of its officers, employees, attorneys, accountants, or other agents, shall not be  
3 civilly or criminally liable to any person, including any customer, for any disclosure  
4 of information made in accordance with this Section, for encumbering or  
5 surrendering assets in response to information provided by the Department of  
6 Children and Family Services, or for any claims for damages arising from  
7 withholding or failing to withhold any progressive slot machine annuities or cash  
8 gaming winnings, based upon information provided to it.

9 (c) If any entity licensed or permitted under ~~Chapters~~ **Chapter** 1, 4, 5, or 7,  
10 **or 10** of **this** Title 27 of the Louisiana Revised Statutes of 1950, determines that the  
11 winner of a progressive slot machine annuity or cash gaming winnings is a person  
12 who has outstanding child support arrearages or owes child support overpayments,  
13 the entity licensed or permitted under ~~Chapters~~ **Chapter** 1, 4, 5, or 7, **or 10** of **this**  
14 Title 27 of the Louisiana Revised Statutes of 1950, shall deduct the child support  
15 arrearage or child support overpayment from the payment of the progressive slot  
16 machine annuity or cash gaming winnings. The deducted amount shall be forwarded  
17 to the Department of Children and Family Services within seven days, and the entity  
18 licensed or permitted under ~~Chapters~~ **Chapter** 1, 4, 5, or 7, **or 10** of **this** Title 27 of  
19 the Louisiana Revised Statutes of 1950, shall pay the remainder to the person who  
20 has outstanding child support arrearages or owes child support overpayments. If the  
21 remainder is equal to or less than zero, the person who has an outstanding child  
22 support arrearage or child support overpayment shall not receive a payment.

23 (d) Any entity licensed or permitted under ~~Chapters~~ **Chapter** 1, 4, 5, or 7, **or**  
24 **10** of **this** Title 27 of the Louisiana Revised Statutes of 1950, may deduct an  
25 administrative fee from each payment of a progressive slot machine annuity,  
26 beginning with the second annuity payment, or cash gaming winnings, of persons  
27 who have outstanding child support arrearages or owe child support overpayments  
28 per singular or periodic payment, not to exceed thirty-five dollars.

29 (e) The board shall also require that the entity licensed or permitted under  
30 Chapters 1, 4, 5, or 7, **or 10** of Title 27 of the Louisiana Revised Statutes of 1950,



1 adopt procedures designed to prevent employees from willfully failing to withhold  
2 payments of progressive slot machine annuities or cash gaming winnings from  
3 persons who have outstanding child support arrearages or child support  
4 overpayments, based upon the information provided by the Department of Children  
5 and Family Services that allows the licensee to identify such persons.

6 (6) The administration and enforcement of accumulating unclaimed monies  
7 on which the time period for collection has expired, the remittance thereof to the  
8 state treasurer, and related matters as required by R.S. 27:94, 252, ~~and 394,~~ **and 609.**

9 \* \* \*

10 §27.1. Uniform compulsive and problem gambling program

11 \* \* \*

12 C. Within one hundred twenty days from the adoption of the rules provided  
13 for in Subsection B of this Section, each holder of a license as defined in R.S.  
14 27:44~~(14)~~, ~~R.S. 27:353(5)~~, **and 602**, and the casino gaming operator shall submit for  
15 approval to the board a comprehensive program that provides policies and  
16 procedures that, at a minimum, shall cover the following areas of concern and are  
17 designed to:

18 \* \* \*

19 §44. Definitions

20 When used in this Chapter, the following terms shall mean:

21 \* \* \*

22 (9)**(a)** "Game" means any banking or percentage game which is played with  
23 cards, dice, or any electronic, electrical, or mechanical device or machine for money,  
24 property, or any thing of value. "Game" does not include a lottery, bingo, pull tabs,  
25 raffles, electronic video bingo, cable television bingo, dog race wagering, or any  
26 wagering on any type of sports event, including but not limited to football,  
27 basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest  
28 or event. ~~Game~~ **"Game"** shall also include racehorse wagering.

29 **(b) Notwithstanding any provision of Subparagraph (a) of this**  
30 **Paragraph to the contrary, "game" shall include wagering on certain sports**

1 events through its sports book for a licensee who is also licensed by the board  
2 in accordance with Chapter 10 of this Title.

3 \* \* \*

4 (11)(a) "Gaming device" or "gaming equipment" means any equipment or  
5 mechanical, electro-mechanical, or electronic contrivance, component, or machine,  
6 including a slot machine, used directly or indirectly in connection with gaming or  
7 any game, which affects the result of a wager by determining wins or losses.

8 (b) Notwithstanding any provision of Subparagraph (a) of this  
9 Paragraph to the contrary "gaming device" or "gaming equipment" shall also  
10 include a sports wagering mechanism as that term is defined in R.S. 27:602 if  
11 the riverboat gaming operator is also licensed by the board for a sports book in  
12 accordance with Chapter 10 of this Title.

13 \* \* \*

14 (13) "Gaming position" means a gaming device seat or a space at a table  
15 game. Each gaming device seat shall be counted as one position and each space at  
16 a table game shall be counted as one position, subject to the rules and regulations of  
17 the board. The board shall specifically provide by rule for the counting of gaming  
18 positions for devices and games where seats and spaces are not readily countable.

19 "Gaming position" shall not include a seat or space at a sports wagering  
20 mechanism or at a sports wagering window.

21 \* \* \*

22 §58. Division responsibilities

23 The division shall:

24 \* \* \*

25 (5)(a) Require all licensees to utilize a cashless wagering system, except for  
26 racehorse wagering and the play of slot machines, whereby all players' money is  
27 converted to tokens, electronic cards, or chips used only for wagering in the gaming  
28 establishment.

29 (b) Notwithstanding any provision of Subparagraph (a) of this  
30 Paragraph to the contrary, a licensee may accept cash wagers in its sports book

1 if it is also licensed by the board in accordance with Chapter 10 of this Title.

2 \* \* \*

3 §65. Licenses to conduct gaming activities upon riverboats; limitations

4 \* \* \*

5 B. Gaming shall be conducted aboard riverboats, subject to the following  
6 requirements:

7 \* \* \*

8 (11)(a) Except for racehorse wagering and the play of slot machines, gaming  
9 wagers may be made only with tokens, chips, vouchers, coupons, or electronic cards  
10 issued by the licensee. Such tokens, chips, vouchers, coupons, or electronic cards  
11 may be used while aboard the riverboat only for the purpose of making wagers on  
12 gaming games. Electronic cards may be used which are affixed with a magnetic  
13 storage media, a "smart card" or those containing an integrated circuit chip, but  
14 excluding credit cards issued by any other entity or institution or cards which  
15 automatically withdraw funds from a credit, savings, or checking account held at a  
16 depository institution as defined by Section 3 of the Federal Deposit Insurance Act,  
17 which includes any credit union.

18 (b) Notwithstanding any provision of Subparagraph (a) of this  
19 Paragraph to the contrary, if the riverboat is also licensed by the board for a  
20 sports book in accordance with Chapter 10 of this Title, sports wagers may also  
21 be made in cash or through a patron's verified sports wagering account.

22 \* \* \*

23 §205. Definitions

24 When used in this Chapter, the following terms have these meanings:

25 \* \* \*

26 (11)(a) "Game" means any banking or percentage game located exclusively  
27 within an official gaming establishment which is played with cards, dice, or any  
28 electronic, electrical, or mechanical device or machine for money, property, or any  
29 thing of value. ~~Game~~ "Game" does not include lottery, bingo, charitable games,  
30 raffles, electronic video bingo, pull tabs, cable television bingo, wagering on dog ~~or~~

1 horse races, sports betting, or wagering on any type of sports event, inclusive  
 2 **including** but not limited to football, basketball, baseball, hockey, boxing, tennis,  
 3 wrestling, jai alai, or other sports contest or event. **"Game" shall also include**  
 4 **racehorse wagering.**

5 **(b) Notwithstanding any provision of Subparagraph (a) of this**  
 6 **Paragraph to the contrary, "game" shall include sports betting through its**  
 7 **sports book if the casino gaming operator is licensed by the board in accordance**  
 8 **with Chapter 10 of this Title.**

9 (12)(a) "Gaming device" means any equipment or mechanical,  
 10 electromechanical, or electronic contrivance, component, or machine used directly  
 11 or indirectly in connection with gaming or any game which affects the result of a  
 12 wager by determining win or loss. The term includes a system for processing  
 13 information which can alter the normal criteria of random selection, which affects  
 14 the operation of any game, or which determines the outcome of a game. The term  
 15 does not include a system or device ~~which~~ **that** affects a game solely by stopping its  
 16 operation so that the outcome remains undetermined.

17 **(b) Notwithstanding any provision of Subparagraph (a) of this**  
 18 **Paragraph to the contrary, "gaming device" shall also include a sports**  
 19 **wagering mechanism as that term is defined in R.S. 27:602 if the casino gaming**  
 20 **operator is also licensed by the board for a sports book in accordance with**  
 21 **Chapter 10 of this Title.**

22 \* \* \*

23 **(35) "Racehorse wagering" means wagers placed on horse racing**  
 24 **conducted under the pari-mutuel form of wagering at licensed racing facilities**  
 25 **that are accepted by a licensed racehorse wagering operator in accordance with**  
 26 **the provisions of this Chapter.**

27 \* \* \*

28 §239.1. Wagering at the official gaming establishment

29 ~~Wagering~~ **A. Except for racehorse wagering and as provided in**  
 30 **Subsection B of this Section, wagering** at the official gaming establishment may

1 be made with tokens, chips, vouchers, coupons, or electronic cards issued by the  
 2 casino gaming operator or an approved casino manager acting on behalf of the casino  
 3 gaming operator. Electronic cards may be used which are affixed with a magnetic  
 4 storage media, a "smart card" or those containing an integrated circuit chip, but  
 5 excluding credit cards issued by any other entity or institution or cards which  
 6 automatically withdraw funds from a credit, savings, or checking account held at a  
 7 depository institution as defined by Section 3 of the Federal Deposit Insurance Act,  
 8 which includes any credit union.

9 **B. Notwithstanding any provision of Subsection A of this Section to the**  
 10 **contrary, if the casino gaming operator is issued a license to operate a sports**  
 11 **book by the board in accordance with Chapter 10 of this Title, sports wagers at**  
 12 **the official gaming establishment may also be made in cash or through a**  
 13 **patron's verified sports wagering account.**

14 \* \* \*

15 **§249.1. Issuance of permit to conduct racehorse wagering**

16 **A. The division shall issue a permit to a qualified racehorse wagering**  
 17 **operator to conduct racehorse wagering at the official gaming establishment in**  
 18 **accordance with the provisions of this Chapter.**

19 **B. An applicant for a permit to conduct racehorse wagering shall submit**  
 20 **with his application a written contract of the terms between the applicant and**  
 21 **the casino gaming operator authorizing the applicant to conduct racehorse**  
 22 **wagering at the official gaming establishment.**

23 **C. The division shall promulgate rules and regulations for the conducting**  
 24 **of racehorse wagering at the official gaming establishment in accordance with**  
 25 **the provisions of this Chapter.**

26 **D. The racehorse wagering operator shall deliver to the designated**  
 27 **representative at the licensed racing association operated by the racehorse**  
 28 **wagering operator twenty-five percent of the audited net profits derived from**  
 29 **racehorse wagering authorized under this Part for use as purse supplements.**  
 30 **These funds shall be used in addition to all other funds available for use as**

1 purses under current provisions of law. Such amounts shall be paid quarterly,  
2 within thirty days of the end of each quarter.

3 \* \* \*

4 §353. Definitions

5 When used in this Chapter, the following terms shall have these meanings:

6 \* \* \*

7 (2) "Designated ~~slot machine~~ gaming area" means the contiguous area of an  
8 eligible live racing facility at which ~~slot machine~~ gaming may be conducted in  
9 accordance with the provisions of this Chapter, determined by measuring the area,  
10 in square feet, inside the interior walls of the licensed eligible facility, excluding any  
11 space therein in which gaming activities may not be conducted, such as bathrooms,  
12 stairwells, cage and beverage areas, and emergency evacuation routes of any width  
13 that meet or exceed the minimum size required by law.

14 \* \* \*

15 (5) "Emergency evacuation route" means those areas within the designated  
16 ~~slot machine~~ gaming area of a licensed eligible facility which are clearly defined and  
17 identified by the licensee as necessary and approved by the state fire marshal or other  
18 federal or state regulatory agency for the evacuation of patrons and employees from  
19 the facility, and from which and in which no gaming activity may occur.

20 \* \* \*

21 §361. Conduct of slot machine gaming; temporary conduct

22 \* \* \*

23 F.**(1)** Wagering at an eligible live racing facility may be made with tokens,  
24 chips, vouchers, coupons, or electronic cards issued by the licensed eligible facility  
25 or an approved facility manager acting on behalf of the facility. Electronic cards may  
26 be used which are affixed with a magnetic storage media, a "smart card" or those  
27 containing an integrated circuit chip, but excluding credit cards issued by any other  
28 entity or institution or cards which automatically withdraw funds from a credit,  
29 savings, or checking account held at a depository institution as defined by Section  
30 3 of the Federal Deposit Insurance Act, which includes any credit union.



1 §372. ~~Slot machine gaming~~ **Gaming** area limitations

2 \* \* \*

3 B.**(1)** No gaming devices other than slot machines and authorized pari-mutuel  
4 wagering devices and equipment shall be in the designated ~~slot machine~~ gaming  
5 area.

6 **(2) Notwithstanding any provision of Paragraph (1) of this Subsection to**  
7 **the contrary, sports wagering mechanisms as that term is defined in R.S. 27:602**  
8 **may also be authorized in the designated gaming area if the holder of a license**  
9 **as defined in R.S. 27:353 is also issued a license to operate a sports book by the**  
10 **board in accordance with Chapter 10 of this Title.**

11 C. As used in this Section, "gaming position" means a slot machine seat.  
12 Each slot machine seat shall be counted as one position, subject to the rules and  
13 regulations of the board. The board shall specifically provide by rule for the counting  
14 of gaming positions for devices and games where seats and spaces are not readily  
15 countable. **"Gaming position" shall not include a seat or space at a sports**  
16 **wagering mechanism or at a sports wagering window.**

17 \* \* \*

18 §375. Crimes and penalties; false statements; unauthorized slot machines; skimming  
19 of slot machine proceeds; payroll check cashing; gambling devices

20 \* \* \*

21 D. Any owner of an eligible facility who has been granted a license to operate  
22 slot machine gaming who cashes or accepts for cashing or permits any employee or  
23 other person to cash or accept for cashing an identifiable employee payroll check in  
24 the designated ~~slot machine~~ gaming area shall, upon conviction, be imprisoned for  
25 not more than six months or fined not more than five thousand dollars, or both.

26 \* \* \*

27 §417. Qualified truck stop criteria; amenities

28 A. As used in this Chapter, a qualified truck stop facility shall mean a facility  
29 covering at least five developed contiguous acres which sells fuel, lubricating oil,  
30 and other vehicular merchandise, such as batteries, tires, or vehicle parts for



1 eighteen-wheel tractor-trailers, and which also meets all of the following criteria:

2 \* \* \*

3 (2) It must have a Class A-General retail permit operating as a sports  
4 wagering lounge which sells food or an onsite restaurant, except for reason of force  
5 majeure affecting the ability to maintain the onsite restaurant for a reasonable period  
6 of time as determined by the division following the interruption of such ability,  
7 which for the purposes of qualifying as a qualified truck stop facility, shall be  
8 required to have only the following features:

9 \* \* \*

10 **CHAPTER 10. SPORTS WAGERING**

11 **PART I. GENERAL PROVISIONS**

12 **§601. Title and citation; privilege**

13 **A. This Chapter shall be cited and referred to as the "Louisiana Sports**  
14 **Wagering Act".**

15 **B. Any license, permit, approval, or thing obtained or issued pursuant**  
16 **to the provisions of this Chapter is expressly declared by the legislature to be a**  
17 **pure and absolute revocable privilege and not a right, property or otherwise,**  
18 **under the constitution of the United States or of the state of Louisiana. Further,**  
19 **the legislature declares that no holder of any license or permit acquires any**  
20 **vested interest or right therein or thereunder.**

21 **§602. Definitions**

22 **For purposes of this Chapter, the following terms shall have the**  
23 **following meanings ascribed to them unless the context clearly indicates**  
24 **otherwise:**

25 **(1) "Anti-money laundering standards" or "AML" means the**  
26 **requirements and guidelines provided in the federal Bank Secrecy Act of 1970,**  
27 **as amended, and the Anti-Money Laundering Act of 2020, as amended, for the**  
28 **prevention and detection of money laundering and the financing of terrorism.**

29 **(2) "Applicant" means a person, business, or legal entity who has**  
30 **submitted an application to the board seeking a license or permit, or the**

1 renewal of a license or permit.

2 (3) "Application" means the forms and schedules prescribed by the  
3 board upon which an applicant seeks a license or permit, or the renewal of a  
4 license or permit. An application shall also include any other information or fee  
5 required by the board to be submitted with an application such as disclosure  
6 statements, financial statements, and any type of fees.

7 (4) "Board" means the Louisiana Gaming Control Board, as established  
8 by R.S. 27:11.

9 (5) "Business or legal entity" shall have the same meaning as that term  
10 is defined in R.S. 27:3.

11 (6) "Division" shall have the same meaning as that term is defined in  
12 R.S. 27:3.

13 (7) "Electronic sports wagering" means sports wagering via a sports  
14 wagering mechanism on a licensee's premises or through a website or mobile  
15 application.

16 (8) "License" means a license or authorization to operate, or to contract  
17 with a sports wagering platform provider to operate, a sports book in this state  
18 in compliance with the provisions of this Chapter.

19 (9) "Licensee" means any person issued a license by the board.

20 (10) "Louisiana State Racing Commission" means the commission  
21 established in R.S. 4:144.

22 (11) "Mobile application" means an application on a mobile phone or  
23 other device through which a player is able to register, fund, and place a wager  
24 with an operator on a sports event and receive a credit on the player's sports  
25 wagering account.

26 (12) "Mobile wagering" means wagering on a sports event through a  
27 website or mobile application.

28 (13) "Net gaming proceeds" means the amount equal to the total gross  
29 revenue of all wagers placed by patrons less the total amount of all winnings  
30 paid out to patrons and the amount of eligible promotional play determined

1 pursuant to R.S. 27:627.

2 (14) "Operator" or "sports wagering operator" means the entity that  
3 actually books a sports wager. The operator may be:

4 (a) The licensee who manages and operates a sports book itself.

5 (b) The licensee's contracted sports wagering platform provider, in  
6 accordance with the scope of that contract, when the licensee chooses to contract  
7 the management and operation of all or a portion of its sports book  
8 line-of-business with a platform provider.

9 (15) "Patron" or "player" means an individual who places a wager on  
10 a sports event.

11 (16) "Permit" has the same meaning as that term is defined in R.S. 27:3.

12 (17) "Permittee" has the same meaning as that term is defined in R.S.  
13 27:3.

14 (18) "Person" has the same meaning as that term is defined in R.S. 27:3.

15 (19) "Representation of value" means tokens, chips, vouchers, coupons,  
16 or electronic cards that are issued by the licensee and authorized for use in  
17 sports wagering by rules and regulations promulgated by the board.

18 (20) "Sports book" means the offering of sports wagering by an operator  
19 on a licensee's premises or through a sports wagering platform.

20 (21) "Sports event" means any professional sport or athletic event, any  
21 collegiate sport or athletic event, any amateur sport or athletic event, any  
22 Olympic or international sports competition event, any competitive video game  
23 or other electronic sports event, or any other special event or competition of  
24 relative skill as authorized by the board to be a sports event for purposes of this  
25 Chapter. "Sports event" shall not include high school sports, youth events, any  
26 international sports events where the majority of the participants are under the  
27 age of eighteen years, fantasy sports contests as provided in Chapter 6 of this  
28 Title, and any event prohibited by law.

29 (22) "Sports wager" or "sports bet" means a sum of money or  
30 representation of value risked by a player on an occurrence associated with a

1 sports event for which the outcome is uncertain. The term includes but is not  
2 limited to single-game bets, teaser bets, parlay bets, over-under bets, moneyline  
3 bets, pools, exchange wagering, in-game wagering, in-play bets, proposition  
4 bets, and straight bets.

5 (23) "Sports wagering" means the acceptance of wagers on sports events  
6 or on portions of a sports event or on the individual performance or statistics  
7 of athletes or participants in a sports event or a combination of sports events,  
8 by any system or method of wagering.

9 (24) "Sports wagering account" means an electronic financial record  
10 established with an operator for an individual patron in which the patron may  
11 deposit and withdraw funds for sports wagering and other authorized  
12 purchases and to which the operator may credit winnings or other amounts due  
13 to that patron or authorized by that patron.

14 (25) "Sports wagering mechanism" or "kiosk" means a board-approved  
15 self-service mechanical, electrical, or computerized terminal, device, apparatus,  
16 or piece of equipment that is directly tied to a licensee's approved sports  
17 wagering platform that allows a patron to place a sports wager in a  
18 board-approved location on a licensee's premises. "Sports wagering  
19 mechanism" does not include a personal computer, mobile phone, or other  
20 device owned and used by a player to wager on a sports event.

21 (26) "Sports wagering platform" means an integrated system of  
22 hardware, software, or applications, including mobile applications and servers,  
23 through which an operator conducts the business of offering sports wagering in  
24 accordance with this Chapter.

25 (27) "Sports wagering platform provider" means a suitable business or  
26 legal entity that holds a permit from the board to engage in the operation of a  
27 sports book on behalf of a licensee.

28 §603. Gaming Control Board; state police; duties and powers

29 A.(1) The board shall perform the duties and functions as authorized by  
30 this Chapter and shall possess authority, control, and jurisdiction and all power

1 incidental and necessary thereto with respect to the regulation of sports  
2 wagering as provided by Chapters 1 and 2 of this Title.

3 (2)(a) In accordance with the Administrative Procedure Act, the board  
4 shall:

5 (i) Develop qualifications and standards and a process and procedure for  
6 the issuance of a license to operate a sports book as well as the renewal thereof.  
7 A process and procedure for notification to eligible applicants of available  
8 licenses as required by R.S. 27:604(B) shall be included.

9 (ii) Develop qualifications and standards and a procedure and process  
10 for permitting sports wagering platform providers, manufacturers, suppliers,  
11 and personnel as well as the renewals thereof.

12 (iii) Promulgate forms, processes, and procedures necessary to  
13 implement, administer, and regulate sports wagering as authorized by this  
14 Chapter.

15 (iv) Establish standards for the amount of reserves required to be  
16 maintained by an operator and the allowable form of those reserves, including  
17 standards for initial reserves for a new licensee or newly permitted sports  
18 wagering platform provider.

19 (v) Establish guidelines for the acceptance of wagers on a series of sports  
20 events by an operator.

21 (vi) Prohibit an operator from unilaterally rescinding a wager except in  
22 compliance with rules of the board.

23 (vii) For cash wagers placed in person or via a sports wagering  
24 mechanism, establish standards for the type of wagering tickets which may be  
25 used, information required to be printed on a ticket, and methods for issuing  
26 tickets.

27 (viii) Establish the method of accounting to be used by an operator, the  
28 types of records required to be kept, and the length of time records shall be  
29 retained.

30 (ix) Require an operator to comply with AML standards.

1           (x) Provide standards for the use of credit and checks by players and  
2           other protections for players.

3           (xi) Require an operator to submit for approval by the board its internal  
4           controls for all aspects of electronic wagering, including procedures for system  
5           integrity, system security, operations, accounting, patron disputes, and  
6           reporting of problem gamblers.

7           (xii) Require an operator to submit for approval by the board its  
8           operational controls for server-based gaming systems, software, and hardware  
9           utilized on electronic sports wagering, including but not limited to appearance,  
10          functionality, contents, collection, storage and retention of data, and security.

11          (xiii) Require an operator to submit for approval by the board its  
12          operational controls for patron's sports wagering accounts, including but not  
13          limited to procedures for establishment and closure of an online account,  
14          funding for withdrawal of funds from an online account, and generation of an  
15          account statement.

16          (xiv) Establish standards for servers and other equipment used to accept  
17          wagers by operators and procedures for inspection and for addressing defective  
18          or malfunctioning devices, equipment, and accessories related to sports  
19          wagering.

20          (xv) Require an operator to post the toll-free telephone number available  
21          to provide information and referral services regarding compulsive or problem  
22          gaming.

23          (xvi) Require each operator to submit for board approval a responsible  
24          gaming policy that allows patrons to restrict themselves from placing wagers  
25          with the operator, including limits on time spent wagering and limits on  
26          amounts wagered, and identifies actions by the operator to honor those self-  
27          imposed restrictions.

28          (b) For purposes of expeditious implementation of the provisions of this  
29          Chapter, the promulgation of the initial administrative rules pertaining to this  
30          Chapter shall be considered to constitute a matter of imminent peril to public

1 health, safety, and welfare as provided in R.S. 49:953(B) or 953.1.

2 B.(1) The gaming division of the office of state police shall, at all times  
3 considered appropriate by the board, be charged with inspecting and ensuring  
4 compliance with all the requirements of this Chapter.

5 (2) The gaming division of the office of state police may be charged by  
6 the board with any other tasks deemed necessary to the regulation of sports  
7 wagering in this state.

8 PART II. LICENSEE AND PLATFORM PROVIDER

9 §604. License; limited; requirements; contract with platform provider

10 A.(1) No person, business, or legal entity shall operate a sports book  
11 without first being licensed by the board.

12 (2) The license to engage in the business of operating a sports book shall  
13 be in addition to any other license required by law.

14 B.(1) The board shall issue no more than twenty licenses to operate  
15 sports books. The board shall first consider applications for licensing from the  
16 following:

17 (a) The casino gaming operator as defined in R.S. 27:205 and provided  
18 for in Chapter 5 of this Title.

19 (b) The holder of a license as defined in R.S. 27:44 and provided for in  
20 Chapter 4 of this Title.

21 (c) The holder of a license as defined in R.S. 27:353 and provided for in  
22 Chapter 7 of this Title, provided the holder of the license also has the approval  
23 of the Louisiana State Racing Commission to apply to be licensed for a sports  
24 book.

25 (2)(a) For the initial application process, if any entity identified in  
26 Paragraph (1) of this Subsection elects not to apply for a license or fails to  
27 submit a completed application to the board prior to January 1, 2022, or within  
28 thirty days of applications being available, whichever is later, it shall not be  
29 considered for a license. The board may consider for the remaining licenses,  
30 applications from:

1                    (i) Licensed establishments as defined in R.S. 27:402 and provided for in  
2                    Chapter 8 of this Title. Any licensed establishment that is also licensed by the  
3                    Louisiana State Racing Commission with the commission's approval may apply  
4                    to be licensed to operate a sports book.

5                    (ii) Operators as defined in R.S. 27:302 and provided for in Chapter 6 of  
6                    this Title.

7                    (b) From the licensed establishments and operators identified in  
8                    Subparagraph (a) of this Paragraph, if the number of applications received by  
9                    the board that are determined to be from eligible applicants exceeds the number  
10                  of licenses available, the board shall provide for a concealed bid process and  
11                  issue the available licenses, in accordance with the board's ranking of the bids,  
12                  to the applicants that in the board's discretion have the greatest potential for  
13                  revenue generation for the state.

14                  (3)(a) Should a license become available after the initial issuance, the  
15                  board shall notify any entity identified in Paragraph (1) of this Subsection who  
16                  does not have a sports wagering license about the available license and provide  
17                  those entities an opportunity to apply for the license by a certain date. If the  
18                  number of applications determined by the board to be eligible applicants  
19                  exceeds the number of available licenses, the board shall provide for a concealed  
20                  bid process and issue the available licenses, in accordance with the board's  
21                  ranking of the bids, to the applicants that in the board's discretion have the  
22                  greatest potential for revenue generation for the state.

23                  (b) Should a license become available after the initial issuance and  
24                  entities identified in Paragraph (1) of this Subsection decline to apply or the  
25                  number of available licenses exceeds the number of entities identified in  
26                  Paragraph (1) of this Subsection who are interested, the board shall notify the  
27                  entities identified in Subparagraph (2)(a) of this Subsection who do not have a  
28                  sports wagering license about the available license and provide those entities an  
29                  opportunity to apply for the license by a certain date. If the number of  
30                  applications determined by the board to be eligible applicants exceeds the



1 number of available licenses, the board shall provide for a concealed bid process  
2 and issue the available licenses, in accordance with the board's ranking of the  
3 bids, to the applicants that in the board's discretion have the greatest potential  
4 for revenue generation for the state.

5 C. The board shall issue a license to operate a sports book only to an  
6 applicant determined by the board to be suitable. In addition to the standards  
7 provided in R.S. 27:28, in determining an applicant's suitability as a sports  
8 wagering licensee, the board may request from an applicant, and consider as a  
9 factor in the determination, any or all of the following:

10 (1) The applicant's capitalization adequacy and the financial ability and  
11 means to develop, construct, operate, and maintain infrastructure to support  
12 sports wagering activities and operations in compliance with this Chapter and  
13 any administrative rules promulgated by the board.

14 (2) The applicant's financial ability to purchase and maintain adequate  
15 liability and casualty insurance and to provide an adequate surety bond.

16 (3) The applicant's capitalization adequacy and financial ability to  
17 responsibly pay its secured and unsecured debts in accordance with its  
18 financing agreements and other contractual obligations.

19 (4) The applicant's history of material noncompliance with licensing  
20 requirements or any other regulatory requirements in the state or in any other  
21 jurisdiction, where the noncompliance resulted in enforcement action by the  
22 person with jurisdiction over the applicant.

23 (5) The applicant's filing or having filed against it a proceeding for  
24 bankruptcy, or involvement in any formal process to adjust, defer, suspend, or  
25 otherwise negotiate the payment of any debt.

26 (6) The applicant's being named as a defendant in litigation involving the  
27 integrity of its business practices.

28 D. Each applicant shall submit as part of its application a detailed plan  
29 of design of its sports book lounge and other areas of its establishment where  
30 sports wagering mechanisms may be placed. The board shall issue a license only

1 to an applicant whose detailed plan of design the board finds acceptable.

2 E. The board shall issue not more than twenty licenses to applicants that  
3 meet the provisions of this Section and all other qualifications and standards as  
4 determined by the board.

5 F.(1) A licensee may operate the sports book itself or contract for  
6 operation of its onsite or electronic wagering with a sports wagering platform  
7 provider. Only a licensee, or its sports wagering platform provider on its behalf,  
8 shall process, accept, offer, or solicit sports wagers.

9 (2) A licensee shall be responsible for the conduct of its sports wagering  
10 platform provider.

11 G. Prior to beginning operations, an operator shall install and thereafter  
12 maintain a computerized bookmaking system, referred to in this Chapter as a  
13 sports wagering platform, that meets the specifications required by law and by  
14 rule and is approved by the board.

15 **§605. Sports wagering platform provider**

16 A.(1) The board shall issue a sports wagering platform provider permit  
17 to a suitable person who desires to contract with a licensee to manage or operate  
18 all or a portion of a licensee's sports book line-of-business. A person shall not  
19 manage or operate all or a portion of a licensee's sports book unless it possesses  
20 a valid permit.

21 (2) In addition to the standards provided in R.S. 27:28, in determining  
22 an applicant's suitability as a sports wagering platform provider, the board may  
23 request from the applicant and consider as a factor in its determination any of  
24 the items of information listed in R.S. 27:604(C) that it considers relevant.

25 B.(1) A sports wagering platform provider shall contract with a licensee  
26 to provide sports wagering services.

27 (2) Any contract between the licensee and its sports wagering platform  
28 provider shall provide for access by the board and the division to any  
29 information maintained by the platform provider for verification of compliance  
30 with this Chapter.

1           C. A sports wagering platform provider shall use no more than one  
2 sports wagering platform to offer, conduct, or operate a sports book on behalf  
3 of the licensee.

4           D. A sports wagering platform provider shall keep books and records for  
5 the management and operation of sports wagering as authorized by this  
6 Chapter and for services for which it is contracted by a licensee. The keeping  
7 of books and records shall be separate and distinct from any other business the  
8 sports wagering platform provider operates. A sports wagering platform  
9 provider shall file quarterly reports with the board listing all of its contracts  
10 and services related to sports wagering authorized under this Title.

11           E.(1) The board shall provide by rule for the standards and  
12 requirements of a sports wagering platform. The rules shall specify technical  
13 requirements as well as operational requirements.

14           (2) Only a sports wagering platform that meets the standards and  
15 requirements as provided by rule may be used by an operator to book sports  
16 wagers.

17           F. The sports wagering platform provider shall provide the division with  
18 a readily available point of contact to ensure compliance with the requirements  
19 of this Chapter.

20           G. All servers responsible for the processing of sports wagers shall be  
21 physically located in Louisiana. Any other servers used in connection with the  
22 sports wagering platform provider may be located outside Louisiana and  
23 nothing in this Chapter shall prevent the use of cloud computing.

24           H. Any sports wagering platform utilized for electronic wagering shall  
25 have a component of its design to reasonably verify that the person attempting  
26 to place the wager is:

27           (1) At least twenty-one years of age.

28           (2) Physically located in the state and not physically located in a parish  
29 that has not approved a proposition to authorize sports wagering at the time the  
30 wager is initiated or placed.

1           (3) Not a person who is otherwise prohibited from wagering with the  
2           operator through law, rule, policy of the operator, self-exclusion, or pursuant  
3           to R.S. 27:27.1.

4           §606. Temporary certificate of authority

5           A. When considering a person's application for a license to conduct  
6           sports wagering or a permit as a sports wagering platform provider or service  
7           provider, the board may issue to the person a temporary certificate of authority  
8           to conduct business pursuant to this Chapter if all of the following apply:

9           (1) The person has filed with the board a completed application,  
10          including all fees.

11          (2) The person has substantially demonstrated to the satisfaction of the  
12          board that the person meets the requirements of this Chapter, the board's rules,  
13          including emergency rules, and the board's or division's orders.

14          (3) The person applying for a permit as a sports wagering platform  
15          provider or service provider holds a gaming license or permit for similar  
16          activity in Louisiana or another state of the United States and the license or  
17          permit is in good standing.

18          (4) The person agrees in writing to the following conditions of the  
19          temporary certificate of authority issued pursuant to this Section:

20          (a) The temporary certificate of authority does not create a right or  
21          privilege.

22          (b) The board may rescind the person's temporary authority to conduct  
23          business under this Section at any time, with or without notice to the person and  
24          without a hearing, if either of the following apply:

25          (i) The board is informed that the suitability of the person may be at  
26          issue.

27          (ii) The person fails to cooperate with the investigation into the  
28          qualifications and suitability of the person applying for a license or the person  
29          applying for a permit as a sports wagering platform provider or service  
30          provider.

1                    **B.(1) The temporary certificate of authority shall expire six months after**  
2                    **issuance.**

3                    **(2) The board may issue one ninety-day extension of the certificate upon**  
4                    **a showing of good cause.**

5                    **(3) If a license or permit is issued to the holder of a temporary certificate**  
6                    **of authority, the license or permit term shall begin on the date of issuance of the**  
7                    **temporary certificate of authority.**

### 8                    **PART III. WAGERING**

#### 9                    **§607. Operators; sports lounge required; responsibilities; pooling**

10                    **A.(1) An operator may conduct sports wagering in person or via a sports**  
11                    **wagering mechanism located on its premises or through a website or mobile**  
12                    **application.**

13                    **(2) Each licensee shall house its retail sports book in a sports wagering**  
14                    **lounge on its premises which shall be restricted to patrons who are twenty-one**  
15                    **years of age or older and shall conform to all requirements concerning square**  
16                    **footage, design, equipment, security measures, and related matters which the**  
17                    **board shall prescribe by rule.**

18                    **B. An operator shall establish and display the odds at which wagers may**  
19                    **be placed on sports events. No operator shall accept a wager in person, via a**  
20                    **sports wagering mechanism, or through a website or mobile application unless**  
21                    **the wagering proposition is posted by electronic or manual means.**

22                    **C. An operator shall adopt comprehensive rules, which shall be**  
23                    **approved by the board, governing sports wagering transactions with its patrons.**  
24                    **The rules shall specify the amount to be paid on winning wagers and the effect**  
25                    **of schedule changes. The rules, together with any other information the board**  
26                    **deems appropriate, shall be conspicuously displayed in the establishment,**  
27                    **posted electronically on any sports wagering mechanism, website, or mobile**  
28                    **application, and included in the terms and conditions of the sports wagering**  
29                    **account system.**

30                    **D. An operator shall maintain records of sports wagering activities and**

1 operations in accordance with rules and regulations of the board and follow  
2 federal anti-money laundering standards in the day-to-day operations of its  
3 business.

4 E. Each operator shall designate one or more key employees who shall  
5 be responsible for the operation of the sports book.

6 F. All wagers on sports events authorized pursuant to this Chapter shall  
7 be initiated, received, and otherwise made within the state unless otherwise  
8 determined by the board in accordance with applicable federal and state laws  
9 and regulations. Consistent with the Unlawful Internet Gambling Enforcement  
10 Act of 2006, 31 U.S.C. 5361 et seq., the intermediate routing of electronic data  
11 relating to a lawful intrastate wager authorized by this Chapter shall not  
12 determine the location or locations in which the wager is initiated, received, or  
13 otherwise made.

14 G. An operator may pool wagers with persons who are not physically  
15 present in this state if the board determines that this wagering is not  
16 inconsistent with the law of this state or any federal law, including the law of  
17 any foreign nation in which the person is located, or that the wagering is  
18 conducted pursuant to a reciprocal agreement to which the state is a party that  
19 is not inconsistent with federal law.

20 **§608. Limitations on wagering**

21 A.(1) To place a sports wager with an operator, a player shall meet all  
22 of the following:

23 (a) Be twenty-one years of age or older.

24 (b) Be physically located in a parish that has approved a proposition  
25 authorizing sports wagering.

26 (c) Have a wagering account established with the operator, if the player  
27 is attempting to place the sports wager through a website or mobile application.

28 (d) Not be prohibited from wagering with the operator by law, rule,  
29 policy of the operator, or self-exclusion, or pursuant to R.S. 27:27.1.

30 (2) In order to accept a sports wager from a player, an operator shall

1 confirm that the player meets all of the following criteria:

2 (a) Is twenty-one years of age or older.

3 (b) Is physically located in a parish that has approved a proposition  
4 authorizing sports wagering.

5 (c) Has an existing sports wagering account with the operator, if the  
6 wager is being placed through a website or mobile application.

7 (d) Is not prohibited from wagering with the operator by law, rule, policy  
8 of the operator, or self-exclusion, or pursuant to R.S. 27:27.1.

9 B.(1) An operator shall not knowingly accept a wager from a person who  
10 is an athlete, coach, referee or other official, or staff of a participant or team  
11 that is participating in the sports event on which the person is attempting to  
12 place the wager.

13 (2) An operator shall not knowingly accept a wager from a person who  
14 is the operator itself or is a director, officer, owner, or employee of the operator  
15 or any relative or other person living in the same household as a director,  
16 officer, owner, or employee of the operator.

17 C. No sports wagers may be accepted or paid by any operator on any of  
18 the following:

19 (1) On any sport or athletic event not authorized by law or the board.

20 (2) On any sport or athletic event which the operator knows or  
21 reasonably should know are being placed by or on behalf of an athlete, coach,  
22 referee or other official, or staff of a participant or team that is participating in  
23 that event.

24 (3) On the occurrence of injuries or penalties, or the outcome of an  
25 athlete's disciplinary rulings, or replay reviews.

26 (4) On other types, forms, or categories of wagering prohibited by the  
27 board by rule.

28 D. Subject to the rules of the board, an operator shall promptly report  
29 to the board on the following activities:

30 (1) Any criminal or disciplinary proceedings commenced against the

1 licensee or its employees, or a sports wagering platform provider or its  
2 employees, in connection with the operations of the sports book.

3 (2) Any abnormal wagering activity or patterns that may indicate a  
4 concern about the integrity of a sports event.

5 (3) Any other conduct with the potential to corrupt a wagering outcome  
6 of a sports event for purposes of financial gain, including but not limited to  
7 match fixing.

8 (4) Suspicious or illegal wagering activities, including the use of funds  
9 derived from illegal activity, wagers to conceal or launder funds derived from  
10 illegal activity, use of agents to place wagers, or use of false identification.

11 E. Every operator shall adopt procedures to obtain personally  
12 identifiable information from any individual who places an in-person single  
13 wager in an amount of ten thousand dollars or greater on a sports event.

14 F.(1) A sports governing body may submit to the board in writing a  
15 request to restrict, limit, or exclude a certain type, form, or category of sports  
16 wagering with respect to sporting events of its body if the sports governing body  
17 believes that such type, form, or category of sports wagering with respect to  
18 sporting events of its body may undermine the integrity or perceived integrity  
19 of the body or sporting event of the body.

20 (2) The board shall request comments from operators on any request it  
21 receives pursuant to Paragraph (1) of this Subsection.

22 (3) After due consideration to all comments received, the board shall  
23 grant the request if the board finds a demonstration of good cause from the  
24 requestor that such type, form, or category of sports wagering is likely to  
25 undermine the integrity or perceived integrity of the body or the sporting event.

26 (4) The board shall respond to a request concerning a particular event  
27 before the start of the event, or if it is not feasible to respond before the start of  
28 the event, no later than thirty days after the request is made.

29 (5) If the board determines that the requestor is more likely than not to  
30 prevail in successfully demonstrating good cause for its request, the board may



1 provisionally grant the request of the sports governing board until the board  
2 makes a final determination as to whether the requestor has demonstrated good  
3 cause. Absent such a provisional grant by the board, operators may continue to  
4 offer sports wagering on the sporting events that are the subject of such a  
5 request during the pendency of the board's consideration of the applicable  
6 request.

7 §609. Electronic wagering; kiosk; mobile wagering

8 A.(1) Electronic wagering may be conducted only to the extent that it is  
9 conducted in accordance with this Chapter and in accordance with the rules  
10 and regulations promulgated by the board.

11 (2) An operator may accept wagers made electronically using a sports  
12 wagering mechanism located on its premises or through a website or mobile  
13 application.

14 B. Sports wagering mechanism. (1) A player may place a wager via a  
15 sports wagering mechanism with cash or vouchers or by utilizing the player's  
16 established sports wagering account.

17 (2) Sports wagering mechanisms shall be located only on a licensee's  
18 premises in areas where accessibility is limited to patrons twenty-one years of  
19 age or older.

20 (3)(a) Sports wagering mechanisms shall be branded in the same brand  
21 as the licensee, or the sports wagering platform provider, or both.

22 (b) Each sports wagering mechanism shall:

23 (i) Not have any device or program that will alter the reading of a bet,  
24 value, or amount of wagering or deposits to reflect a bet, value, or amount other  
25 than that actually wagered or deposited or any switches, jumpers, wire posts,  
26 or any other means of manipulation that could affect the operation or outcome  
27 of a wager.

28 (ii) Not have any device, switch, program, or function that can alter the  
29 readings of the actual amounts or values relating to any function or occurrence  
30 of the mechanism.

1                    (iii) Have separate secure areas with locking doors for the logic board  
2                    and software, the cash compartment, and the mechanical meters as required by  
3                    the rules of the board. Access to one area from the other shall not be allowed at  
4                    any time.

5                    (iv) Not have any functions or parameters adjustable by or through any  
6                    separate video display or input codes, except for the adjustment of features that  
7                    are wholly cosmetic.

8                    (v) Have a circuit-interrupting device, method, or capability that will  
9                    disable the machine if the board-approved program is accessed or altered.

10                   (vi) Have a serial number or other identification number permanently  
11                   affixed to the mechanism by the manufacturer.

12                   (c) Each sports wagering mechanism shall be linked to an operator's  
13                   sports wagering platform for purposes of polling or reading mechanism  
14                   activities and for remote shutdown of mechanism operations. If the platform  
15                   fails as a result of a malfunction or catastrophic event, or the mechanism loses  
16                   connectivity to the platform, the mechanism shall not accept any additional  
17                   wagers until the connection to the platform is restored.

18                   (d) The board may provide for additional specifications for mechanisms  
19                   to be approved and authorized pursuant to the provisions of this Chapter as it  
20                   considers necessary to maintain the integrity of sports wagering mechanisms  
21                   and operations.

22                   (4)(a) Any sports wager placed with cash via a sports wagering  
23                   mechanism shall be evidenced by a ticket indicating the name of the operator  
24                   booking the wager, the sports event on which the wager was placed, the amount  
25                   of cash wagered, the type of bet and odds if applicable, the date of the event, and  
26                   any other information required by the board.

27                   (b) A patron with a winning ticket shall redeem the ticket at the  
28                   establishment of the licensee that booked the wager within one hundred eighty  
29                   days of the date of the event.

30                   (5) A sports wagering mechanism may be utilized by a player to make a

1 deposit in the player's sports wagering account.

2 (6) Wagers placed via a sports wagering mechanism through a player's  
3 established sports wagering account shall be settled through the player's  
4 wagering account.

5 C. Mobile wagering. (1) For purposes of mobile wagering, each licensee  
6 may contract with no more than two sports wagering platform providers who  
7 may each provide individually branded websites each of which may have an  
8 accompanying mobile application bearing the same brand as the website. The  
9 website and mobile application shall be offered only under the same brand as  
10 the licensee, or the sports wagering platform provider, or both. The website and  
11 mobile application shall be, at the discretion of the licensee, in addition to any  
12 other websites or mobile applications operated by the platform provider and  
13 offering other types of mobile gaming.

14 (2) Wagering through a website or mobile application shall be subject to  
15 the following requirements:

16 (a)(i) A patron shall establish a wagering account in person or remotely  
17 with the operator before the operator may accept any sports wager through a  
18 website or mobile application from the patron, and an initial verification of the  
19 account shall be completed by the operator either in person or remotely. An  
20 account may be established with a line of credit or as an advance deposit  
21 wagering account.

22 (ii) No operator shall accept a sports wager through a website or mobile  
23 application from the public or any person who does not have an established  
24 account with the operator.

25 (b) No wagers shall be placed when the player is physically located out  
26 of state or in a parish that has not approved a proposition authorizing sports  
27 wagering. An operator shall maintain geofencing and geolocation services and  
28 shall bear all costs and responsibilities associated with the services as required  
29 by the board.

30 §610. Payment of winnings; collection and use of funds

1           A.(1) Winning wagers that were placed in person or via a sports  
2           wagering mechanism with cash and are evidenced by a ticket receipt shall be  
3           redeemed by a player within one hundred eighty days after the date of the  
4           event. An operator shall pay tickets upon presentation after performing  
5           validation procedures unless otherwise allowed pursuant to the rules and  
6           regulations of the board.

7           (2) The failure to present a winning ticket within the prescribed time  
8           shall constitute a waiver of the right to the payment, and the holder of the ticket  
9           shall thereafter have no right to enforce payment of the ticket.

10          (3)(a) An operator's obligation to pay a winning ticket shall expire one  
11          hundred eighty days after the date of the sports event if not presented for  
12          payment.

13          (b) The funds held by any operator for payment of outstanding tickets  
14          shall be retained by the operator for that purpose until the expiration of one  
15          hundred eighty days after the date of the sports event.

16          (c) After such time, the operator shall each day accumulate the amount  
17          equal to the sum of any unclaimed winnings, less the amount of state tax paid  
18          by the licensee on the unclaimed monies that expire that day. On or before the  
19          fifteenth day of the first month following the end of a calendar-year quarter, the  
20          licensee shall remit to the state treasurer for deposit into the Crime Victims  
21          Reparations Fund as provided for in R.S. 46:1816 an amount equal to the  
22          accumulated total for the previous calendar-year quarter. The funds shall be  
23          used exclusively to pay the expenses associated with health care services of  
24          victims of sexually oriented criminal offenses, including forensic medical  
25          examinations as defined in R.S. 15:622.

26          B. Winning wagers placed using a sports wagering account shall be  
27          credited by the operator to the patron's account within one day after the date  
28          of the event unless otherwise allowed pursuant to the rules and regulations of  
29          the board.

30          §611. Layoff bets

An operator may seek to reduce its risk exposure on a sports event by placing a wager with another book. An operator may accept wagers placed by other operators. An operator may place wagers only with other operators. The operator that places a wager shall inform the book accepting the wager that the wager is being placed by a book and shall disclose the book's identity.

\* \* \*

§627. Promotional play

A. Eligible promotional play shall be equal to the amount of dollars directly attributable to promotional play wagers related to sports wagering and actually redeemed by players and patrons. Eligible promotional play shall not exceed an amount of five million dollars per calendar year. The maximum amount of promotional play provided by this Subsection shall apply per licensee.

B. Notwithstanding the provisions provided by Subsection A of this Section in the event a licensee pools its wagers with other Louisiana sports wagering licensees, the maximum amount of eligible promotional play shall apply per pool, and the amount of eligible promotional play per participating licensee shall be allocated in accordance with an agreement among licensees participating in the pool. Pooling and the corresponding agreement among the licensees shall be subject to the approval of the board.

C.(1) In no event shall a pool stack eligible promotional play of participating licensees to exceed the maximum amount provided by Subsection A of this Section.

(2) In no event shall a licensee claim eligible promotional play from more than one sports wagering platform in a calendar year.

Section 2. R.S. 13:4721 is hereby amended and reenacted to read as follows:

§4721. Gambling houses; definition; declared public nuisances

A. For the purposes of this ~~Sub-part~~, **Subpart**, or for the purposes of any action or prosecution ~~hereunder~~ **in this Section**, a gambling house is **either**:

(1) any **Any** place ~~whatever~~ **whatsoever** where any game of chance of any

1 kind or character is played for money, for wagers, or for tokens, and where the  
2 conduct of such place operates, directly or indirectly, to the profit of one or more  
3 individuals and not exclusively to the direct profit of the actual participants in such  
4 game; ~~and.~~

5 (2) ~~any~~ **Any** place whatsoever where races, athletic contests, ~~and~~ sports, and  
6 games are not actually held and where opportunity is afforded for wagering upon  
7 races, athletic contests, sports, and games of chance.

8 **B.** All gambling houses as ~~herein~~ defined **in this Section** are declared to be  
9 public nuisances, and the ~~owner~~ **owners** thereof, and the ~~agent~~ **agents** for such  
10 ~~owner,~~ **owners,** or the lessee, ~~sublessee~~ **lessees, sublessees,** or other occupants  
11 thereof are declared to be guilty of maintaining a public nuisance.

12 **C. The provisions of this Subpart shall not apply to any place where**  
13 **sports wagering is being conducted in accordance with Chapter 10 of Title 27**  
14 **of the Louisiana Revised Statutes of 1950.**

15 Section 3. R.S. 14:90.5(A), (B), and (C) are hereby amended and reenacted and R.S.  
16 14:90(E) and 90.3(K) are hereby enacted to read as follows:

17 §90. Gambling

18 \* \* \*

19 **E. Sports wagering shall not be considered gambling for purposes of this**  
20 **Section so long as the wagering is conducted in compliance with Chapter 10 of**  
21 **Title 27 of the Louisiana Revised Statutes of 1950.**

22 \* \* \*

23 §90.3. Gambling by computer

24 \* \* \*

25 **K. Sports wagering shall not be considered gambling by computer for**  
26 **purposes of this Section so long as the wagering is conducted in compliance with**  
27 **Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950.**

28 \* \* \*

29 §90.5. Unlawful playing of gaming devices by persons under the age of twenty-one;  
30 underage persons, penalty

1 A. It is unlawful for any person under twenty-one years of age to play casino  
2 games, gaming devices, or slot machines, **or to place a wager on a sports event.**

3 B. No person under the age of twenty-one, except an emergency responder  
4 acting in his official capacity, shall enter, or be permitted to enter, the designated  
5 gaming area of a riverboat, the designated gaming area of the official gaming  
6 establishment, or the designated ~~slot machine~~ gaming area of a pari-mutuel wagering  
7 facility which offers live horse racing licensed for operation and regulated under the  
8 applicable provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised  
9 Statutes of 1950.

10 C. **(1)** For purposes of this Section, "casino games, gaming devices, or slot  
11 machines" means a game or device, as defined in R.S. 27:44~~(10)~~ or ~~(12)~~, 205~~(12)~~ or  
12 ~~(13)~~, or 353~~(14)~~ operated on a riverboat, at the official gaming establishment, or at  
13 a pari-mutuel wagering facility which offers live horse racing which is licensed for  
14 operation and regulated under the provisions of Chapters 4, 5, and 7 of Title 27 of  
15 the Louisiana Revised Statutes of 1950.

16 **(2) For purposes of this Section, "place a wager on a sports event" shall**  
17 **apply to wagers attempted to be or actually placed in person, via a self-service**  
18 **sports wagering mechanism, or through a website or mobile application as those**  
19 **terms are defined in R.S. 27:602 and the operation of which is regulated under**  
20 **the provisions of Chapter 10 of Title 27 of the Louisiana Revised Statutes of**  
21 **1950.**

22 \* \* \*

23 Section 4. R.S. 46:1816(B)(8) is hereby amended and reenacted to read as follows:

24 §1816. Crime Victims Reparations Fund; creation; sources and use of funds

25 \* \* \*

26 B. The fund shall be composed of:

27 \* \* \*

28 (8) Monies deposited by the state treasurer from the collection of unclaimed  
29 prize money as provided for in R.S. 4:176 and R.S. 27:94, 252, ~~and 394,~~ **and 609,**  
30 which shall be used exclusively to pay the expenses associated with health care

1 services of victims of ~~sexually-oriented~~ **sexually oriented** criminal offenses,  
2 including forensic medical examinations as defined in R.S. 15:622.

3 \* \* \*

4 Section 5. R.S. 27:24(A)(5)(f) is hereby repealed in its entirety.

5 Section 6. The Louisiana State Law Institute is directed to alphabetize and renumber  
6 the terms defined in R.S. 27:205, as amended by the provisions of this Act.

7 Section 7. This Act shall take effect and become operative on July 1, 2021; however,  
8 no license or permit shall be issued by the Louisiana Gaming Control Board relative to  
9 sports wagering activities and operations until state laws are enacted regarding the taxation  
10 of net gaming proceeds generated through the operation of a sports book.

11 Section 8. The provisions of this Act enacting R.S. 27:627 shall supersede the  
12 provisions of the Act which originated as House Bill No. 697 of the 2021 Regular Session  
13 enacting R.S. 27:627.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_



2021 Regular Session  
HOUSE BILL NO. 395  
BY REPRESENTATIVE ROMERO

# ACT No. 462

1 AN ACT

2 To amend and reenact R.S. 14:107.4(B), relative to the crime of unlawful posting of criminal  
3 activity for notoriety and publicity; to provide enhanced penalties when the criminal  
4 activity results in serious bodily injury or death; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:107.4(B) is hereby amended and reenacted to read as follows:

7 §107.4. Unlawful posting of criminal activity for notoriety and publicity

8 \* \* \*

9 B.(1) Whoever violates the provisions of this Section shall be fined not more  
10 than five hundred dollars or imprisoned for not more than six months, or both.

11 (2) Whoever violates the provisions of this Section and the criminal activity  
12 results in the serious bodily injury or death of the victim shall be fined not more than  
13 two thousand dollars, imprisoned with or without hard labor for not more than eight  
14 years, or both.

15 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2021 Regular Session  
HOUSE BILL NO. 54

# ACT No. 464

BY REPRESENTATIVES EDMONDS AND VILLIO

1 AN ACT

2 To enact R.S. 14:67.5, relative to misappropriation without violence; to create the crime of  
3 adoption deception; to provide for elements of the offense; to provide for criminal  
4 penalties; to provide for restitution; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:67.5 is hereby enacted to read as follows:

7 §67.5. Adoption deception

8 A. Any person who is a birth mother, or who holds herself out to be a birth  
9 mother, who is interested in making an adoption plan and who knowingly or  
10 intentionally benefits from payment of adoption-related expenses in connection with  
11 that adoption plan commits adoption deception if any of the following occur:

12 (1) The person knows or should have known that she is not pregnant at the  
13 time the payments were requested or received.

14 (2) The person accepts living expenses assistance from a prospective  
15 adoptive parent or adoption entity without disclosing that she is receiving living  
16 expenses assistance from another prospective adoptive parent or adoption entity at  
17 the same time in an effort to adopt the same child.

18 B. Any person who commits the crime of adoption deception shall be  
19 punished as follows:

20 (1) If the amount received by the person is one thousand dollars or less, the  
21 person shall either be fined up to five hundred dollars, imprisoned for not more than  
22 sixty days, or both.

1                   (2) If the amount received by the person exceeds one thousand dollars, the  
2                   person shall either be fined up to five thousand dollars, imprisoned with or without  
3                   hard labor for not more than five years, or both.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2021 Regular Session  
HOUSE BILL NO. 124  
BY REPRESENTATIVE HOLLIS

# ACT No. 465

1 AN ACT

2 To amend and reenact R.S. 14:95(A)(1), (2), and (3), relative to the illegal carrying of  
3 weapons; to provide relative to the prohibition on the concealed carrying of any  
4 firearm or other instrumentality customarily used or intended for use as a dangerous  
5 weapon; to provide an exception to the offense for a concealed handgun permit  
6 holder; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:95(A)(1), (2), and (3) are hereby amended and reenacted to read  
9 as follows:

10 §95. Illegal carrying of weapons

11 A. Illegal carrying of weapons is any of the following:

12 (1)(a) The intentional concealment of any firearm, or other instrumentality  
13 customarily used or intended for probable use as a dangerous weapon, on one's  
14 person;~~or,~~

15 (b) The provisions of this Paragraph shall not apply to a person with a valid  
16 concealed handgun permit issued pursuant to R.S. 40:1379.1.1, 1379.3, or 1379.3.2  
17 nor shall it prohibit a person with a valid concealed handgun permit issued pursuant  
18 to R.S. 40:1379.1.1, 1379.3, or 1379.3.2 from carrying a concealed firearm or other  
19 instrumentality customarily used or intended for probable use as a dangerous weapon  
20 on his person unless otherwise prohibited by this Section.

21 (2) The ownership, possession, custody or use of any firearm, or other  
22 instrumentality customarily used as a dangerous weapon, at any time by an enemy  
23 alien;~~or,~~

1                   (3) The ownership, possession, custody or use of any tools, or dynamite, or  
 2                   nitroglycerine, or explosives, or other instrumentality customarily used by thieves  
 3                   or burglars at any time by any person with the intent to commit a crime; ~~or,~~  
 4

\* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2021 Regular Session  
HOUSE BILL NO. 127  
BY REPRESENTATIVE THOMAS

# ACT No. 466

1 AN ACT

2 To enact R.S. 14:67.5, relative to misappropriation without violence; to create the crime of  
3 false statements and false or altered documents in unclaimed property claims; to  
4 provide for elements of the offense; to provide for criminal penalties; to provide  
5 relative to restitution; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:67.5 is hereby enacted to read as follows:

8 §67.5. False statements and false or altered documents; unclaimed property claim

9 A. Any person who intentionally makes a material false statement, submits  
10 false or altered documentation, or both in any claim submitted pursuant to the  
11 Uniform Unclaimed Property Act of 1997 commits a violation of the provisions of  
12 this Section.

13 B. Whoever violates Subsection A of this Section shall be imprisoned with  
14 or without hard labor for not more than five years, or fined not more than ten  
15 thousand dollars, or both.

16 C. In addition to the penalty provided by Subsection B of this Section, a  
17 person convicted for a violation of this Section shall be ordered to make full  
18 restitution to the Department of the Treasury to be deposited in the Louisiana  
19 Unclaimed Property Permanent Trust Fund in the amount of funds obtained as a  
20 result of the offense. If the person ordered to make restitution pursuant to this  
21 Section is found to be indigent and therefore unable to make restitution in full at the

1            time of conviction, the court shall order a periodic payment plan consistent with the  
2            person's financial ability.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

2021 Regular Session

# ACT No. 484

HOUSE BILL NO. 583

BY REPRESENTATIVES FONTENOT AND BACALA AND SENATORS BARROW,  
BERNARD, BOUDREAUX, CLOUD, JACKSON, AND ROBERT MILLS

1 AN ACT

2 To amend and reenact R.S. 14:44.1(A) and (B) and to enact R.S. 14:2(B)(25), relative to  
3 crimes of violence; to add false imprisonment while armed with a dangerous weapon  
4 to the list of crimes of violence; to provide relative to the crime of second degree  
5 kidnapping; to provide relative to definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:44.1(A) and (B) are hereby amended and reenacted and R.S.  
8 14:2(B)(25) is hereby enacted to read as follows:

9 §2. Definitions

10 \* \* \*

11 B. In this Code, "crime of violence" means an offense that has, as an  
12 element, the use, attempted use, or threatened use of physical force against the  
13 person or property of another, and that, by its very nature, involves a substantial risk  
14 that physical force against the person or property of another may be used in the  
15 course of committing the offense or an offense that involves the possession or use



1 of a dangerous weapon. The following enumerated offenses and attempts to commit  
2 any of them are included as "crimes of violence":

3 \* \* \*

4 (25) False imprisonment; offender armed with dangerous weapon.

5 \* \* \*

6 §44.1. Second degree kidnapping

7 A. Second degree kidnapping is the doing of any of the acts listed in  
8 Subsection B of this Section wherein the victim is any of the following:

9 \* \* \*

10 (1) Used as a shield or hostage;~~;~~

11 (2) Used to facilitate the commission of a felony or the flight after an attempt  
12 to commit or the commission of a felony;~~;~~

13 (3) Physically injured or sexually abused;~~;~~

14 (4) Imprisoned or kidnapped for seventy-two or more hours, except as  
15 provided in R.S. 14:45(A)(4) or (5);~~or.~~

16 (5) Imprisoned or kidnapped when the offender is armed with a dangerous  
17 weapon or leads the victim to reasonably believe he is armed with a dangerous  
18 weapon.

19 (6) Used to facilitate the commission of a simple escape or an aggravated  
20 escape, including a simple escape or aggravated escape from either an adult or  
21 juvenile correctional or detention facility, in violation of R.S. 14:110.

22 B. For purposes of this Section, kidnapping is any of the following:

23 (1) The forcible seizing and carrying of any person from one place to  
24 another;~~or.~~

25 (2) The enticing or persuading of any person to go from one place to another;  
26 ~~or.~~

27 (3) The imprisoning or forcible secreting of any person.

