

Louisiana:

Notes: Appears not to be a full freedom of access law, as it does not include massage, bodywork or other hands on modalities. More for herb, food, and those who provide info for lifestyle modifications.

Congratulations to the Louisiana Health Freedom Coalition for the passage of Senate Bill 189—Freedom of Access Act—introduced and passed by Senator Sharon Weston-Broome, D-14. The bill allows practitioners who recommend the usage of or the sale of dietary supplements, food, or homeopathic remedies in conjunction with a consultation for a fee to disclose information, such as name, address, and education and training. Many thanks go out to Cynthia Reed and her colleagues for all of their hard work.

The Louisiana Health Freedom Coalition took steps in 2006 to build upon last year's success when they passed Senate Bill 189. Senator Sharon Weston Broome of Baton Rouge stepped up to the plate and introduced Senate Bill 451, a bill to broaden the scope of last year's act by including lifestyle modifications. Although Senate Bill 451 passed the legislature and was signed by the Governor, it contained a few last second amendments with which the Coalition is not completely enamored. However, for the time being, in the name of good faith, we at the Coalition will tolerate the amendments and will monitor the interpretation and enforcement of these provisions.

SB 189

AN ACT

2 To enact Part VI-B of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950,
3 to

4 be comprised of R.S. 37:1742.1, relative to providing information and making
5 recommendation of food, dietary supplements, or homeopathic remedies; to provide
6 with respect to disclosure by certain individuals who provide such information and
7 recommendations; to provide for information to be disclosed in the disclosure; and
8 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part VI-B of Chapter 20 of Title 37 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 37:1742.1, is hereby enacted to read as follows:

11 **PART VI-B. DISCLOSURE BY PURVEYORS OF**

12 **FOOD, DIETARY SUPPLEMENTS, OR HOMEOPATHIC REMEDIES**

13 **§1742.1. Disclosure of purveyors of food, dietary supplements, or homeopathic**
14 **remedies**

15 **A. Any person who is a vendor of food, dietary supplements, or**

16 homeopathic remedies, hereinafter referred to as "vendor," who provides
17 information or makes recommendations regarding food, dietary supplements,
18 or homeopathic remedies, for a consulting fee but who is not licensed as a health
19 care provider as defined in R.S. 37:1744(A)(2) or a dietician as defined in R.S.
20 37:3083 shall, prior to providing such services, disclose to the consumer in a

ACT No. 334

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Coding: Words which are struck through are deletions from existing law;
words in **boldface type and underscored** are additions.

1 **plainly worded statement all of the following:**

2 **(1) The name, business, and telephone number of the vendor.**

3 **(2) The fact that he or she is not licensed, certified, or registered as a**
4 **health care provider in the state of Louisiana.**

5 **(3) That the food, dietary supplements, or homeopathic remedies being**
6 **recommended are not drugs.**

7 **(4) If applicable, the degree or degrees, training, or credentials of the**
8 **vendor along with the fact that Louisiana does not currently license a person**
9 **holding such degree or degrees, training, or credentials.**

10 **B. Before a vendor provides information or recommendations to a**
11 **consumer for a fee for the first time, such vendor shall obtain a written**
12 **acknowledgment from the consumer stating that the consumer has been**
13 **provided with the information in Subsection A of this Section and such**
14 **acknowledgment shall be maintained for two years by the vendor. The**
15 **consumer shall be provided with a copy of this written acknowledgment.**

16 **C. The attorney general or the local district attorney in the parish where**
17 **the violator resides shall mail a certified letter to any vendor who violates this**
18 **Section advising the vendor that he must immediately begin to disclose to his or**
19 **her consumers information required in this Section.**

20 **D. This Section shall not apply to health care providers who are licensed**
21 **in the state of Louisiana and who provide information and make**
22 **recommendations regarding food, dietary supplements, or homeopathic**
23 **remedies for a fee.**

24 **E. This Section shall not be interpreted to apply to, control, prevent, or**
25 **restrict the practice, service, or activity of lawfully marketing, selling, or**
26 **distributing products such as food, dietary supplements, or homeopathic**
27 **remedies, educating consumers about such products, or explaining the use of**
28 **such products.**

29 **F. A person providing information or recommendations for a fee who**
30 **is acting under and in compliance with this Section shall not be in violation of**

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1 **R.S. 37:1271 for providing information or making recommendations regarding**

2 food, dietary supplements, or homeopathic remedies.

SB 451

Regular Session, 2006 **ENROLLED**

SENATE BILL NO. 451

BY SENATOR BROOME

1 AN ACT

2 To amend and reenact Part VI-B of Chapter 20 of Title 37 of the Louisiana Revised Statutes

3 of 1950, to be comprised of R.S. 37:1742.1, relative to providing information and
4 making recommendations of lifestyle modifications, food, dietary supplements, or
5 homeopathic remedies; to provide with respect to disclosure by certain individuals
6 who provide such information recommendations; to provide for information to be
7 disclosed in the disclosure; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part VI-B of Chapter 20 of Title 37 of the Louisiana Revised Statutes of
10 1950, to be comprised of R.S. 37:1742.1 is hereby amended and reenacted to read as
follows:

11 PART VI-B. DISCLOSURE BY PURVEYORS OF FOOD,
12 DIETARY SUPPLEMENTS, OR HOMEOPATHIC REMEDIES

13 §1742.1. Disclosure of purveyors of food, dietary supplements, or homeopathic
14 remedies

15 A. Any person who is a vendor of food, dietary supplements, or homeopathic
16 remedies, hereinafter referred to as "vendor," who provides information or makes
17 recommendations regarding **lifestyle modifications**, food, dietary supplements, or
18 homeopathic remedies, for a consulting fee, **hereinafter referred to as a vendor**,
19 but who is not licensed as a health care provider as defined in R.S. 37:1744(A) or a
20 dietitian as defined in R.S. 37:3083 shall, prior to providing such services, disclose
21 to the consumer in a plainly worded statement all of the following:

22 (1) The name, business, and telephone number of the vendor.

23 (2) The fact that he or she is not licensed, certified, or registered as a health
24 care provider in the state of Louisiana.

ACT No. 655

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(3) That 1 the **any** food, **or** dietary supplements, or homeopathic remedies
2 being recommended are not **medically prescribed** drugs.

3 (4) If applicable, the degree or degrees, training, or credentials of the vendor
4 along with the fact that Louisiana does not currently license a person holding such
5 degree or degrees, training, or credentials **regarding services provided**.

6 B. Before a vendor provides information or recommendations to a consumer
7 for a fee for the first time, such vendor shall obtain a written acknowledgment from
8 the consumer stating that the consumer has been provided with the information in
9 Subsection A of this Section and such acknowledgment shall be maintained for two

10 years by the vendor. The consumer shall be provided with a copy of this written
11 acknowledgment.

12 C. The attorney general or the local district attorney in the parish where the
13 violator resides shall mail a certified letter to any vendor who violates this Section
14 advising the vendor that he must immediately begin to disclose to his or her
15 consumers information required in this Section.

16 D. This Section shall not apply to health care providers who are licensed in
17 the state of Louisiana and who provide information and make recommendations
18 regarding food, dietary supplements, or homeopathic remedies **or lifestyle**
19 **modifications** for a fee.

20 E. This Section shall not be interpreted to apply to, control, prevent, or
21 restrict the practice, service, or activity of lawfully marketing, selling, or distributing
22 products such as food, dietary supplements, or homeopathic remedies, educating
23 consumers about such products, or explaining the use of such products.

24 F. A person providing information or recommendations for a fee who is
25 acting under and in compliance with this Section shall not be in violation of R.S.
26 37:1271 for providing information or making recommendations regarding **lifestyle**
27 **modifications**, food, dietary supplements, or homeopathic remedies.

28 **G. As used in this Part, “lifestyle modifications” mean the broad domain**
29 **of traditional or homeopathic health care practices and other complementary**
30 **health practices and services provided by a person who is not licensed, certified**

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1 **or registered to perform any of the following designated services or practices:**

2 **(1) Practicing medicine or performing surgery as defined in R.S. 37:1262.**

3 **(2) Prescribing or administering any procedure involving ionizing**
4 **radiation.**

5 **(3) Prescribing, dispensing, administering, or recommending the**
6 **discontinuance of a prescription drug or device.**

7 **(4) Performing a chiropractic adjustment of the articulations of the**
8 **joints or spine.**

9 **(5) Holding out, stating, indicating, advertising, or otherwise implying**
10 **he is a health care provider, as defined in R.S. 40:1299.41(A)(1), or performing**
11 **the authorized prerogatives of the scope of practice of an individual**
12 **credentialed by any licensing, certification, or registration board or agency of**
13 **the state.**

14 **H. Nothing in this Part shall be construed as being applicable to a**
15 **member of the clergy or religious non-medical care vendor.**