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Executive Orders

EXECUTIVE ORDER JBE 22-13

Flags at Half-Staff—United States Representative Dr. John C. Cooksey

WHEREAS, Dr. John Charles Cooksey, a former distinguished member of the United States House of Representatives for Louisiana's 5th District, died on June 4, 2022, at the age of 80;

WHEREAS, he is survived by his loving wife of 55 years, Ann Grabill Cooksey, and their three daughters, Karen, Carol Ann, and Catherine; grandchildren Sarah, Grace, Sophie, Claire, Charlotte, Lilly, and Margot; as well as his sister Betty and brother Hank, along with many nieces, nephews, and countless friends;

WHEREAS, born the son of Ruth Lee and Henry Oscar Cooksey in 1941 in Alexandria, Louisiana, and raised in Central Louisiana, he learned early the value of hard work and good education from his parents and his community;

WHEREAS, he honorably served his nation overseas in the United States Air Force during the Vietnam War, as well as stateside in the Louisiana Air National Guard; as a pioneering ophthalmologist, he restored the gift of sight to thousands at home and abroad, notably founding an ophthalmic clinic in Kenya;

WHEREAS, he served his state and his district of Northeast and Central Louisiana in the United States House of Representatives for three years, from 1997 to 2003, and fighting tirelessly to represent the interests of the people of our state; and

WHEREAS, Dr. John Charles Cooksey, lived a life of faith, integrity, and honor, and his service as a public servant and lawmaker to the State of Louisiana and the United States will long be remembered.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: As an expression of respect and to honor Dr. John C. Cooksey, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise Thursday, June 16, until sunset on Friday, June 17, 2022.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, June 17, 2022.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 15th day of June, 2022.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2207#056

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Graduation Requirements

(LAC 28:IX.6821; LXXIX.2111; and CXV.2318, 2319)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:IX, *Bulletin 118—Statewide Assessment Standards and Practices*, LAC 28:IX, *Bulletin 741—Louisiana Handbook for School Administrators*, and LAC 28:LXXIX, *Bulletin 741—Louisiana Handbook for Nonpublic School Administrators*. The revisions relate to the availability the flexibility of graduation requirements for high school seniors enrolled during the spring 2022 semester and scheduled to graduate by August 31, 2022. This Declaration of Emergency, effective June 15, 2022, is for a period of 180 days from adoption, or until finally adopted as Rule.

Title 28 EDUCATION

Part IX. Bulletin 118—The Louisiana School, District, and State Accountability System

Chapter 68. LEAP 2025 Assessments for High School §6821. High School Test Cohorts [Formerly LAC 28:CXI.1821]

A. - B. ...

1. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, and for high school seniors enrolled during spring 2022 and graduating by August 31, 2022, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all LEAP 2025 high school assessments.

a. - d.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 38:36 (January 2012), LR 44:470 (March 2018), LR 47:859 (July 2021), LR 48:

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 21. Curriculum and Instruction §2111. State Diploma

A. - B.2. ...

3. For high school seniors enrolled during spring 2022 and graduating by August 31, 2022, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

a. an ACT composite score of 17 or higher for all students; or

b. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

i. a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

ii. a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

iii. a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

c. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

i. the instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above, as determined by either the school or school system.

ii. a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

d. for purposes of this Section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 31:636 (March 2005), LR 31:3082 (December 2005), LR 36:1498 (July 2010), LR 39:1446 (June 2013), LR 48:38 (January 2022), LR 48:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction §2318. The TOPS University Diploma

A. - B.3. ...

a. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, and for high school seniors enrolled during spring 2022 and graduating by August 31, 2022, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

B.3.i. - D.3 ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR

37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:860 (July 2021), amended LR 48:33 (January 2022), LR 48:39 (January 2022), repromulgated LR 48:1092 (April 2022), amended LR 48:

§2319. The Career Diploma

A. - B.3. ...

a. For high school seniors graduating during the 2020-2021 and 2021-2022 academic years, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

B.3.a.i. - C.4. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48:1093 (April 2022), amended LR 48:

James Garvey
President

2207#001

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Applied Behavior Analysis-Based Therapy Services Place of Service Limitations (LAC 50:XV.301)

The Department of Health, Bureau of Health Services Financing amends LAC 50:XV.301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, and shall be in effect for the maximum period

allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing amends the provisions governing applied behavior analysis-based (ABA) therapy services in order to remove non-conventional place of service limitations to ensure ABA services can be delivered in a community setting.

This action is being taken to promote the health and welfare of Medicaid recipients by allowing services to be delivered in more locations. It is anticipated that this Emergency Rule will not result in programmatic costs in the Medicaid Program for State Fiscal Year 2022-2023.

Effective July 15, 2022, the Department of Health, Bureau of Health Services Financing amends the provisions governing ABA therapy services to remove non-conventional place of service limitations and allow delivery of services in a community setting.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 1. Applied Behavior Analysis-Based Therapy Services

Chapter 3. Services

§301. Covered Services and Limitations

A. - D. ...

E. Service Limitations

1. ...

2. Services must be delivered in a natural setting (e.g., home and community-based settings, including schools and clinics).

a. Services delivered in a school must not duplicate services rendered under an individualized family service plan (IFSP) or an individualized educational program (IEP) as required under the federal Individuals with Disabilities Education Act (IDEA).

3. ...

F. Not Medically Necessary/Non-Covered Services. The following services do not meet medical necessity criteria, nor qualify as Medicaid covered ABA-based therapy services:

1. - 3. ...

4. treatment whose purpose is vocationally- or recreationally-based; and

5. - 5.a.ii. ...

iii. could be provided by persons without professional skills or training.

6. - 6.d. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:926 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:2498 (December 2017), LR 48:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box

91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2207#011

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Inpatient Hospital Services—Urban Metropolitan
Statistical Area Facility (LAC 50:V.Chapter 19)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:V.Chapter 19 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing adopts provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility and the reimbursement methodology for the provision of inpatient services.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase programmatic costs in the Medicaid Program by approximately \$3,193,871 for state fiscal year 2022-2023.

Effective July 1, 2022, the Department of Health, Bureau of Health Services Financing adopts provisions governing inpatient hospital services provided by urban MSA facilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 19. Urban Metropolitan Statistical Area (MSA) Facility

§1901. Qualifying Criteria

A. In order to qualify as an urban metropolitan statistical area (MSA) facility, the hospital:

1. has a facility type code of acute and opened subsequent to the March 12, 2020 presidential declaration of a national emergency due to COVID-19 to provide availability of additional beds and services for COVID-19 patients;

2. must have been licensed and certified no later than June 30, 2020, and located in zip code 70806, east of I-110, north of I-10, and south of Business Highway 190;

3. is located in an urban metropolitan statistical area (MSA) as defined by the United States Office of Management and Budget;

4. has an operational emergency room and is located greater than five miles in distance from the closest hospital emergency room; and

5. is located on a single site.

a. The addition of any off site campus location to the license of this hospital will invalidate the provisions of this reimbursement methodology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing LR 48:

§1903. Reimbursement Methodology

A. Effective July 1, 2022, the inpatient hospital per diem rate paid to an urban MSA facility for acute care services shall be increased by indexing annually to 95 percent of the small rural hospital acute per diem rate in effect.

B. Effective July 1, 2022, the inpatient hospital per diem rate paid to an urban MSA facility for psychiatric services shall be increased by indexing annually to 95 percent of the small rural hospital psychiatric per diem rate in effect.

C. These rates are conditional on the hospital continuing to meet all qualifying criteria included in §1901. If the hospital no longer qualifies, payments will revert back to appropriate non-rural, non-state hospital assigned rates effective on the date that the qualification(s) in §1901 are no longer met.

D. The department may review all above provisions every three years, at a minimum, to evaluate continuation of these enhanced reimbursements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing LR 48:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2207#012

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Outpatient Hospital Services—Urban Metropolitan
Statistical Area Facility (LAC 50:V.Chapter 69)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:V.Chapter 69 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing adopts provisions to establish the criteria for an acute care hospital to qualify as an urban metropolitan statistical area (MSA) facility and the reimbursement methodology for the provision of outpatient services.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase programmatic costs in the Medicaid Program by approximately \$461,292 for fiscal year 2022-2023.

Effective July 1, 2022, the Department of Health, Bureau of Health Services Financing adopts provisions governing outpatient hospital services provided by urban MSA facilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 69. Urban Metropolitan Statistical Area (MSA) Facility

§6901. Qualifying Criteria

A. In order to qualify as an urban metropolitan statistical area (MSA) facility, the hospital:

1. has a facility type code of acute and opened subsequent to the March 12, 2020 presidential declaration of a national emergency due to COVID-19 to provide availability of additional beds and services for COVID-19 patients;

2. must have been licensed and certified no later than June 30, 2020, and located in zip code 70806, east of I-110, north of I-10, and south of Business Highway 190;

3. is located in an urban metropolitan statistical area (MSA) as defined by the United States Office of Management and Budget;

4. has an operational emergency room and is located greater than five miles in distance from the closest hospital emergency room; and

5. is located on a single site.

a. The addition of any off-site campus location to the license of this hospital will invalidate the provisions of this reimbursement methodology.

AUTHORITY NOTE Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

§6903. Reimbursement Methodology

A. Effective for dates of service on or after July 1, 2022, payments for outpatient services to qualifying urban MSA hospitals who meet all of the criteria in §6901 shall be made as follows.

1. Outpatient Surgery. The reimbursement amount for outpatient hospital surgery services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

2. Clinic Services. The reimbursement amount for outpatient clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

3. Laboratory Services. The reimbursement amount for outpatient clinical diagnostic laboratory services shall be the Medicaid fee schedule amount on file for each service.

4. Rehabilitation Services. The reimbursement amount for outpatient rehabilitation services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

5. Other Outpatient Hospital Services. The reimbursement amount for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services, and outpatient hospital facility fees shall be an interim payment equal to 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

B. The department may review all above provisions every three years, at a minimum, to evaluate continuation of these enhanced reimbursements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2207#013

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services and Office for Citizens with Developmental Disabilities

Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency

On January 30, 2020, the World Health Organization declared a public health emergency of international concern and on January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States, effective as of January 27, 2020, in response to the recent coronavirus disease 2019 (hereafter referred to as COVID-19) outbreak. On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19. Likewise, the presidential declaration of a

national emergency due to COVID-19 has an effective date of March 1, 2020.

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), and the Office of Behavioral Health (OBH) amended the provisions of Title 50 of the *Louisiana Administrative Code* in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance with the provisions of the Administrative Procedure Act (*Louisiana Register*, Volume 46, Number 4). This Emergency Rule, adopted on March 19, 2020, also amended the provisions governing the reimbursement methodology for nursing facilities to include an add-on rate to the per diem. The department subsequently promulgated an Emergency Rule, adopted on April 8, 2020, which further amended Title 50 to temporarily adopt additional provisions to ensure the continuation of essential programs and services, and rescinded and replaced the nursing facility add-on provisions of the previous Emergency Rule in order to clarify the eligible nursing facility providers (*Louisiana Register*, Volume 46, Number 4). The department determined that it was necessary to promulgate Emergency Rules on October 19, 2020 to amend the April 8, 2020 Emergency Rule in order to require an attestation for adult day center providers to receive retainer payments (*Louisiana Register*, Volume 46, Number 11) and on December 10, 2020 to amend the October 19, 2020 Emergency Rule in order to remove provisions allowing self-attestation of certain eligibility criteria information (*Louisiana Register*, Volume 46, Number 12). This Emergency Rule is being promulgated in order to continue the provisions of the April 8, 2020, October 19, 2020 and December 10, 2020 Emergency Rules and shall be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

Effective August 16, 2022, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities continue the provisions of the April 8, 2020, October 19, 2020, and December 10, 2020 Emergency Rules in order to amend Title 50 of the *Louisiana Administrative Code* throughout the duration of the COVID-19 public health emergency declaration:

**Nursing Facilities—Reimbursement Methodology
Reimbursement Adjustment (LAC 50:II.20006)**

The per diem rate paid to privately owned or operated nursing facilities shall include an add-on of \$12 for the duration of the COVID-19 public health emergency declaration or to end at the discretion of the state.

**Nursing Facilities—Reimbursement Methodology
Non-State, Government Owned or Operated Facilities
and State-Owned or Operated Facilities
(LAC 50:II.20009)**

Non-state, government-owned or operated nursing facilities will be paid a case-mix reimbursement rate in accordance with §20005 with the following exception.

State-owned or operated and non-state, government-owned or operated nursing facilities are not eligible for, and

will not receive, the State and/or Federal declared emergency add-on rate.

**Nursing Facilities—Reimbursement Methodology
Leave of Absence Days (LAC 50:II.20021)**

State-owned or operated, and non-state government-owned or operated, facilities are not eligible for, and will not receive, the State and/or Federal declared emergency modification to leave of absence day payments.

**Home Health Program—Home Health Services
(LAC 50:XIII.Subpart 1)**

For the duration of the COVID-19 public health emergency declaration, non-physician practitioners (nurse practitioners and physician assistants) will be able to order and review home health services, including the completion of associated documentation, in order to meet the demand for services due to access issues and a shortfall in physician availability.

**Services for Special Populations—Applied Behavior
Analysis-Based Therapy Services—Covered Services
and Limitations (LAC 50:XV.301.D)**

Prior authorizations for persons currently approved to receive applied behavior analysis-based (ABA) therapy services will be extended for the duration of the COVID-19 public health emergency declaration.

**Services for Special Populations—Early and Periodic
Screening, Diagnosis and Treatment Personal Care
Services - Provider Qualifications
(LAC 50:XV.Subpart 5)**

For the duration of the COVID-19 public health emergency declaration, the qualifications for providers of personal care services (PCS) to recipients receiving early and periodic screening, diagnostic and treatment (EPSDT) services will be relaxed to allow:

Recipients and workers to live in the same setting so that the recipients may receive EPSDT PCS.

Legally responsible relatives/caregivers to be a temporary direct service worker (DSW) in the absence of DSW care.

The following individuals may provide services to the recipient of EPSDT PCS: the recipient's spouse; the recipient's curator; the recipient's tutor; the recipient's legal guardian; the recipient's responsible representative; or the person to whom the recipient has given representative and mandate authority (also known as power of attorney).

Payment to the legally responsible relatives/caregivers designated as the temporary DSW for EPSDT PCS, if necessary, during the absence of availability of agency DSW care.

LDH approval for these services will be required. Requests will be reviewed on a case-by-case basis. If approval is granted:

Providers will pay the temporary DSW directly for services rendered; and

Providers will follow hiring procedures that include background checks and training.

At a minimum, training must include abuse and neglect reporting and infection control prior to the temporary DSW providing services.

Family members, who live with the recipient and are being temporarily approved to provide services, are exempted from background check requirements.

Services for Special Populations

Targeted Case Management (LAC 50:XV.Subpart 7)

For the duration of the COVID-19 public health emergency declaration, the state makes the following allowances for early and periodic screening, diagnostic and treatment targeted case management services:

Case managers may utilize telephone contacts (i.e., video or voice calls) in place of any required face-to-face contacts; and

Case managers may complete initial assessments, quarterly reassessments, and annual reassessments without signatures from recipients.

Services for Special Populations—Pediatric Day Health Care Program—Pediatric Day Health Care Services (LAC 50:XV.27501.B)

For the duration of the COVID-19 public health emergency declaration, Pediatric Day Health Care (PDHC) program requirements will be temporarily changed as follows to permit skilled staff of PDHC centers that are not exhibiting any signs or symptoms of the COVID-19 infection to render PDHC services to those children who require skilled nursing, when families are not able to provide such care.

The PDHC program will allow for services to be provided in the recipient's home;

The PDHC program will allow for billing and payment of procedure code T1026 (hourly PDHC services: six hours or less per day) when billed at place of service 12 (home); and

Providers must obtain LDH approval to implement the temporary PDHC provisions. Requests for approval will be reviewed on a case-by-case basis.

Home and Community-Based Services Waivers

Adult Day Health Care Waiver (LAC 50:XXI.Subpart 3)

Due to the Department of Health (LDH) directed closures during the state of emergency, the state may make retainer payments to adult day health care (ADHC) providers. The purpose of such payments is to allow ADHC providers to retain staff and cover fixed expenses so that ADHC centers may reopen when allowed to by LDH.

LDH retains the right to recoup all or a portion of retainer payments from ADHC providers who furlough or lay off staff or fail to reopen.

LDH may review cost reports and other documentation of expenses in making this determination.

Home and Community-Based Services Waivers

Supports Waiver (LAC 50:XXI.Subpart 5)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Supports Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow up to a total of 20 hours a week of respite services and or habilitation services in lieu of day habilitation or vocational services for these programs that have been closed;

Allow participants and direct support workers (DSWs) to live in the same setting so that the recipient may receive necessary respite and habilitation services;

Allow legally responsible relatives to be temporary respite or habilitation direct support, if necessary, in the absence of DSW care;

Background checks for legally responsible relatives who live in the same home with the participant prior to the declared emergency will be waived;

Documentation of services rendered is required and will be verified by the support coordination agency;

For initial waiver participants, allow the current statement of approval (SOA) of intellectual disabilities/developmental disabilities (ID/DD) services to suffice for the level of care (LOC) until the declared emergency is resolved so as not to delay waiver services for those who are waiting for services;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for waiver services initially and annually. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency if needed;

Add hazard premium increase for service of respite or habilitation for direct support workers who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact, FaceTime, or skype;

Monthly phone contacts will still occur;

Allow support coordinators to substitute phone contact, FaceTime on computers, or Skype, in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, both or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype, or by phone to avoid a delay in services;

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone call to avoid a delay in services; and

Allow the state to make retainer payments to adult day habilitation centers when these providers are ordered to close by local, state, or federal officials. The purpose of such payments is to allow adult day center providers to retain staff and cover fixed expenses so they may reopen.

Retainer payments will be a paid at 75 percent of the normal rate paid for the service provided.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen.

LDH may review cost reports and other documentation of expenses in making this determination.

Home and Community-Based Services Waivers

Children's Choice Waiver (LAC 50:XXI.Subpart 9)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Children's Choice Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow expansion of the current Children's Choice Waiver cap to allow for an additional 20 hours per week of family support services as needed for health and safety due to school closures;

Allow participants and family support (FS) direct support workers (DSWs) to live in the same setting so that the participant may continue to receive services;

Allow legally responsible relatives to be temporary FS DSWs during the declared emergency, if necessary, in the absence of DSW care;

Documentation of services rendered is required and will be verified by the support coordination agency;

Reduce the minimum age of DSWs to 16 years of age, if necessary, in an emergency. Emergency being defined as no other staff or supports available;

Remove the requirement for DSWs to have a high school diploma or equivalent;

Temporarily suspend background checks for immediate family hired as DSWs who live in the same home as the recipient;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for waiver services initially and annually. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency, if needed;

For initial waiver participants, allow the current statement of approval of intellectual disabilities/developmental disabilities (ID/DD) services to suffice for the level of care requirement to avoid a delay in services;

Add hazard premium increase for family support services for DSWs who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact versus face-to-face contact;

Monthly phone contacts will still occur;

Allow support coordinators to substitute phone contact, FaceTime on computers, or Skype in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, both, or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype, or phone to avoid a delay in services; and

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone to avoid a delay in services.

Home and Community-Based Services Waivers

New Opportunities Waiver (LAC 50:XXI.Subpart 11)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the New Opportunities Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow conversion of day habilitation and vocational service program hours to individual and family support (IFS) for participants whose day habilitation and/or vocational programs have closed;

Allow sharing of direct support staff when necessary;

Add monitored in-home caregiving (MIHC) as a service;

Allow participants and individual and family support (IFS) direct support workers (DSWs) to live in the same setting so that the participant may continue to receive services;

Allow legally responsible relatives to be temporary IFS DSWs during the declared emergency, if necessary, in the absence of DSW care;

Documentation of services rendered is required and will be verified by the support coordination agency;

Temporarily suspend background checks for immediate family hired as DSWs who live in the same home as the recipient;

Reduce the minimum age of DSWs to 16 years of age, if necessary, in an emergency. Emergency being defined as no other staff or supports available;

Remove the requirement for DSWs to have a high school diploma or equivalent;

For initial waiver participants, allow the current statement of approval (SOA) of intellectual disability/developmental disability (ID/DD) services to suffice for the level of care (LOC) until the declared emergency is resolved so as not to delay waiver services for those who are waiting for services;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for annual waiver services. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency if needed;

Add hazard premium increase for service of individual and family supports, community living supports, family support, respite, and habilitation for DSWs who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact versus face-to-face contact;

Monthly phone contacts will still occur;

Allow support coordinators and supported living coordinators to substitute phone contact, FaceTime, or Skype in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, both or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid a delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype or phone to avoid a delay in services;

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone to avoid a delay in services; and

Allow the state to make retainer payments to adult day centers when these providers are ordered to close by local, state, or federal officials. The purpose of such payments is to allow adult day center providers to retain staff and cover fixed expenses so they may reopen.

Retainer payments will be a paid at 75 percent of the normal rate paid for the service provided.

The adult day center must provide a signed attestation developed by the department agreeing to the following during the period of the retainer payments: (1) not to furlough or lay off staff, (2) maintain wages at existing levels, (3) the ADC has not received funding from any other sources, including but not limited to, unemployment benefits and Small Business Administration loans, that would exceed their revenue for the last full quarter prior to the public health emergency, or that the retainer payments at the level provided by the state would not result in their revenue exceeding that of the quarter prior to the public health emergency. If a provider has already received revenues in excess of the pre-public health emergency level, retainer payments are not available.

If a provider had not already received revenues in excess of the pre-public health emergency level but receipt of the retainer payment in addition to those prior sources of funding results in the provider exceeding the pre-public health emergency level, any retainer payment amounts in excess may be recouped.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen. LDH may review cost reports and other documentation of expenses in making this determination.

Home and Community-Based Services Waivers

Residential Options Waiver (LAC 50:XXI.Subpart 13)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Residential Options Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow sharing of direct support staff when necessary;

Allow conversion of day habilitation and vocational services to community living supports (CLS) for participants whose day habilitation and or vocational program have been closed;

Add monitored in-home caregiving (MIHC) as a service;

Allow participants and community living support (CLS) direct support workers (DSWs) to live in the same setting so that the participant may continue to receive services;

Documentation of services rendered is required and will be verified by the support coordination agency;

Allow legally responsible relatives to be temporary community living support (CLS) DSWs during the declared emergency if necessary in the absence of DSW care;

Temporarily suspend background checks for immediate family hired as DSWs who live in the same home as the recipient;

Reduce the minimum age of DSWs to 16 years of age, if necessary, in an emergency. Emergency being defined as no other staff or supports available;

Remove the requirement for DSWs to have a high school diploma or equivalent;

For initial waiver participants, allow the current statement of approval (SOA) of intellectual disabilities/developmental disabilities (ID/DD) services to suffice for the level of care (LOC) until the declared emergency is resolved so as not to delay waiver services for those who are waiting for services;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for annual waiver services. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency if needed;

Add hazard premium increase for service of individual and family supports, community living supports, family support, respite, and habilitation for DSWs who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact versus face-to-face contact;

Monthly phone contacts will still occur;

Allow support coordinators to substitute phone contact, FaceTime on computers, or Skype in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, or both or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid a delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype, or by phone to avoid a delay in services;

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone to avoid delay in services; and

Allow the state to make retainer payments to adult day centers and adult day health care centers when these providers are ordered to close by local, state, or federal officials. The purpose of such payments is to allow adult day center providers to retain staff and cover fixed expenses so they may reopen.

Retainer payments will be a paid at 75 percent of the normal rate paid for the service provided.

The adult day center must provide a signed attestation developed by the department agreeing to the following during the period of the retainer payments: (1) not to furlough or lay off staff, (2) maintain wages at existing levels, (3) the ADC has not received funding from any other sources, including but not limited to, unemployment benefits and Small Business Administration loans, that would exceed their revenue for the last full quarter prior to the public health emergency, or that the retainer payments at the level provided by the state would not result in their revenue exceeding that of the quarter prior to the public health emergency. If a provider has already received revenues in excess of the pre-public health emergency level, retainer payments are not available.

If a provider had not already received revenues in excess of the pre-public health emergency level but receipt of the retainer payment in addition to those prior sources of

funding results in the provider exceeding the pre-public health emergency level, any retainer payment amounts in excess may be recouped.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen. LDH may review cost reports and other documentation of expenses in making this determination.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2207#020

DECLARATION OF EMERGENCY

Department of Transportation and Development Office of the Secretary

Weights and Standards Enforcement
(LAC 73:I.Chapters 1, 3, 11, and 12)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority set forth in Act 384 of the 2021 Regular Legislative Session, the secretary of the Department of Transportation and Development declares an emergency to exist; and hereby adopts by emergency process the attached Rule relative to the Weights and Standards Stationary Police Force and enforcement of said laws and regulations by the Department.

23 C.F.R. §657.5 requires the state to enforce vehicle size and weight laws. Pursuant to 23 C.F.R. § 657.19, if such laws are not enforced, the State risks losing ten percent of its federal transportation funding apportionment. This enforcement responsibility is currently vested in the Department of Public Safety, specifically in Louisiana State Police. Effective July 1, 2022, responsibility for all enforcement at stationary scales will be transferred to DOTD. DOTD has worked with other agencies and diligently pursued efforts in order to timely prepare for this transfer while complying with federal and state law; however, revisions are necessary to existing provisions of the *Louisiana Administrative Code* in order to carry DOTD's new responsibilities into effect. Without this Emergency Rule to establish enforcement regulations, there may be imminent peril to public safety and welfare by the compromise of police business, in addition to the threat of sanctions by the United States Federal Highway Administration.

This Rule shall have the force and effect of law on July 1, 2022, and will remain in effect until the expiration of the maximum period allowed under the Administrative

Procedure Act or the adoption of the final Rule, whichever comes first.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part I. Weights and Standards

Chapter 1. Policy and Procedures for Weight Enforcement Field Personnel

§101. General Procedures

A.1. - 6. ...

7. Repealed.

8. Collecting Payment of Fines. The following shall be accepted as forms of payment of fines: certified or cashier's checks or money orders made payable to Louisiana Department of Transportation and Development, and credit card payments using Mastercard or Visa. If a company appears on the list of "Companies Which Have Posted Overweight and Oversize Penalty Bonds," the fine will be charged to the bond. Write "Paid by Posted Bond" in the Remarks section of the violation ticket, and release the truck without collecting the driver's license. It is not permissible to accept personal or company checks when collecting fines, unless the violator has a posted bond.

A.9. - D.12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended LR 48:

§103. Field Procedures for Enforcing Weight and Size Limitations

A. Procedures for Weighing Vehicles. When a vehicle presents itself at the unit, it is for the purpose of checking the weight, width, length, height, permit, and vehicle registration and license to determine if the requirements governing the control of vehicles using state highways have been violated. The Weights and Standards Stationary Scale Police Force officer may require the driver to present proof of ownership or lease and any other information which may be required with regards to the vehicle or type of load being transported.

1. Weighing Vehicles on Stationary Scales. The officer shall have the driver position his vehicle on the scales so that all axles can be properly weighed. Caution shall be exercised by the officers to prevent vehicles from lining up beyond the scale approach lanes and blocking traffic lanes and to insure the safety of the motoring public.

2. Weighing Vehicles on Mobile Scales. The officer shall position the scales so that each axle or each set of tandem axles can be properly weighed. Caution shall be exercised by the officers in selecting a safe place to weigh a vehicle to insure the safety of the motoring public.

B. Procedures for Enforcing the Weight Law

1. Shifting the Load. Loads may be shifted after weighing and before proceeding to reduce or eliminate excess axle penalties, so long as no part of the shipment is removed.

2. Vehicles in violation of weight, size or permit regulations shall be documented and a Notice of Violation shall be sent to the violating party.

3. All loads that are not indivisible, perishable, or dangerous will be ticketed as required and may be permitted to proceed without reducing the load as stipulated herein.

a. Unloading of excess weight shall not be done on highways regardless of shoulder width. The driver shall be instructed to do this at a suitable location within a reasonable distance from the point of violation.

4. All indivisible loads and all perishable products will be ticketed in accordance with DOTD regulations and permitted to proceed to a suitable place to reduce the load.

a. Perishable Products. (Include the following, but may not be limited to these.) All agricultural products; hot mix asphalt; concrete; all seafood; products requiring refrigeration or those transported in insulated vehicles; dairy products or poultry and associated products, meat, pork, livestock, live animals; and all other loads that would lose their value or be damaged to such a degree that they would not be suitable for their intended use in commerce if delayed in transit.

b. Indivisible Loads. Indivisible loads are those that are divisible but became indivisible once loaded due to the nature of loading or equipment required for unloading. Indivisible loads include the following, but are not limited to all forest products; flammable, dangerous or toxic liquids, solids and gases such as gasoline, naphtha, kerosene, acids, liquefied petroleum gas, containerized cargo, pipe, prestressed or steel girders or large structural components or fabricated or unfabricated materials of indivisible nature that would require specialized equipment to unload or shift; or any load that would create a traffic hazard or danger to either the motoring public or the surrounding area if unloaded adjacent to the highway.

5. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 and 32:386.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:28 (February 1979), amended by the Office of Weights, Measures and Standards, LR 24:1517 (August 1998), LR 48:

§107. Procedures for Enforcing Vehicle Registration and Licensing Laws

A. Louisiana Vehicles Which Are Improperly Licensed or Unlawfully Registered. This includes vehicles operating with the wrong class of license (the classes are described in R.S. 47:462), a vehicle whose serial number doesn't match the serial number on the registration certificate, a vehicle which exceeds its licensed weight (but does not exceed the legal weight for that type of vehicle).

1. Louisiana vehicles are allowed a 10 percent tolerance on licensed weight. If the vehicle is not more than 10 percent over its licensed weight and does not exceed the legal maximum allowable weight for that type of vehicle, no violation has occurred. The officer should advise the driver of the proper licensed weight for that vehicle.

2. For those vehicles which exceed the 10 percent tolerance on licensed weight, the officer shall write a "no fine" violation ticket, citing R.S. 47:516.

3. When the driver appears at the Vehicle Registration Bureau to purchase the proper plates, he will be charged an additional 25 percent of the cost of the new plates as a penalty.

4. If the vehicle's license plate is confiscated, the officer shall note this on the violation ticket, together with the number of the plate, and "Must secure proper license by (date)." The date noted shall be five working days from date of offense. The violation ticket serves as a receipt for the

license plate collected by the officer and is considered a temporary license plate for five working days.

5. The unit supervisor shall then mail the license plate to the Weights and Standards Headquarters Office for processing to the Weights and Standards Headquarters Office for processing to the Department of Public Safety, Office of Motor Vehicles.

6. If a vehicle in this situation also exceeds the legal weight limitations, the officer shall issue another violation ticket citing R.S. 32:386 and fine the vehicle for the weight in excess of the legal weight, according to the overweight penalty chart.

B. Louisiana Vehicles with an Expired License and Registration or No License and Registration

1. In these situations the officer shall write a "no fine" violation ticket citing R.S. 47:516, and the officer shall also remove the expired license plate.

2. When the driver appears at the Vehicle Registration Bureau to purchase the proper plates, he will be charged an additional 25 percent of the cost of the license as a penalty.

3. The unit supervisor shall mail the confiscated driver's license and expired license plate to the Weights and Standards Headquarters Office at DOTD. Upon notification that the proper registration and license have been purchased, the department shall return the driver's license to the address listed on the violation ticket.

4. If a vehicle in this situation also exceeds the legal weight limitations, the officer shall issue another violation ticket citing R.S. 32:386 and fine the vehicle for the weight in excess of the legal weight, according to the overweight penalty chart.

C. Out-of-State Vehicles with an Expired License and Registration or No License and Registration

1. These vehicles may not operate at all in Louisiana (neither interstate nor intrastate) without purchasing a temporary 48-hour permit either prior to entering Louisiana or at a port of entry.

2. If a vehicle in this situation is stopped and the driver does not have a temporary permit, the officer shall issue a violation ticket citing R.S. 47:511.1, assess a fine of \$200, and require the driver to purchase a \$25 temporary 48-hour permit. The expired license plate is not to be removed.

D. Out-of-State Vehicles Which Are Improperly Licensed

1. If a vehicle domiciled outside Louisiana has a current license but the actual weight of the vehicle exceeds the weight for which it is licensed and does not exceed the legal weight for that type vehicle, the officer shall issue a violation ticket citing R.S. 32:388. The license plate is not to be removed.

2. If the vehicle exceeds both the licensed weight and the Louisiana legal weight for that type of vehicle, it shall be fined \$100 or according to the overweight penalty chart, whichever amount is greater. If the officer fines according to the overweight penalty chart, he shall cite R.S. 32:386. When fining according to the overweight penalty chart, compute the amount of pounds overweight by subtracting the legal Louisiana weight for that type of vehicle from the actual weight of the vehicle.

E. Vehicles Which Require Temporary 48-Hour Permits

1. Officers at port-of-entry locations (Greenwood, Slidell, Starks, Baptist, Kentwood, and Toomey) may sell an

out-of-state or apportioned vehicle a temporary 48-hour permit if the driver so requests. Temporary permits may also be purchased from the Vehicle Registration Bureau or one of the wire services, if the vehicle is eligible for such a permit.

2. The cost of a temporary 48-hour permit is \$25. It shall be valid for 48 continuous hours.

3. If a vehicle is required to have a temporary permit and does not possess one, the officer shall issue a violation ticket citing R.S. 47:511.1, and may require the operator to purchase a temporary permit. A fine of \$200 shall be added to the cost of purchasing a temporary permit as a penalty.

4. Officers at other than port-of-entry locations may sell temporary permits without issuing a violation ticket or assessing the fine if the driver requests the permit prior to movement of the vehicle (must be before the officer stops the vehicle).

5. If a vehicle is stopped and found to exceed the time limit of a temporary permit, a fine of \$200 shall be assessed and the driver shall be required to purchase another permit.

F. Procedures for Issuing Temporary 48-Hour Permits

1. Fill out the form completely, printing with ballpoint pen.

a. First fill out "Issue Date," noting date and time of day.

b. Then fill out "This Permit Expires" with the same time of day as the time of issuance, whether a.m. or p.m., and the date two days from the date of issuance.

c. "Effective Date" is for the first day for which the permit is valid, normally the same as the issue date.

2. Sign under "Issued by" and note your scale location number.

3. In the space beside "\$25" write "Pd. by" and the type of payment (for example: Am. Exp. M.O., BK. of Abbeville Ca. DK., U.S. Postal M.O., Republic M.O., BK. of La. Cert. Ck., etc.) and the check or money order number.

4. Fill in the owner's name; and the operator's name, if the owner is not the operator at the time of the violation; owner's address, the vehicle identification number (VIN), year, body style and make; the state where registered; the city where registered; and the current license number of the vehicle.

5. Give the driver the original and retain the other two copies.

6. Write the temporary 48-hour permit number on any violation ticket which required the purchase of the temporary permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:30 (February 1979), amended LR 48:

§109. Procedures for Enforcing Fuel Tax Laws

A. Authority of Weights and Standards Stationary Scale Police Force

1. Weights and Standards Stationary Scale Police Force of DOTD shall assist the Department of Revenue and Taxation in enforcing fuel tax laws. The Department of Revenue and Taxation is the final authority on fuel tax laws.

a. Office hours at the Department of Revenue and Taxation are, Monday through Friday, 7:45 a.m. to 4:30 p.m.

b. In emergencies which occur when the Department of Revenue and Taxation is closed, call the after-hours number at the Weight Enforcement Office, (225) 343-2345.

c. The telephone number at the Department of Revenue and Taxation is (225) 342-6148. Questions dealing with which companies are on the bonding list should be directed to (225) 342-6020.

d. Any questions dealing with DOTD procedures for writing violation tickets, etc., should be directed to the Weight Enforcement Office.

2. Fuel Use. Weights and Standards Stationary Scale Police Force officers have the authority to enforce fuel tax laws only when the vehicle is not fully licensed in Louisiana and is domiciled outside Louisiana.

a. The state of domicile shall be determined by the name and address on the cab doors.

b. License plates from another state which are apportioned for Louisiana have not been fully licensed in Louisiana. Vehicles with these plates may be checked if the vehicle is domiciled outside Louisiana.

3. Bulk Transports. Weights and Standards Stationary Police Force officers have the authority to enforce fuel tax laws on all bulk transports of taxable fuels.

B.1. - C.2.h. ...

D. Motor Vehicles Using Special Fuels

1. Special fuels are all fuels used by motor vehicles except gasoline. Special fuels include distillate fuels (e.g., diesel or kerosene) and also liquefied petroleum gases (e.g., butane or propane).

2. Vehicles using special fuels are required to have a working speedometer, odometer, or hub meter. Compare the speedometer, odometer, or hub meter reading with the reading on the special fuels invoice to determine if the mileage indicator is working properly.

3. - 4.c....

5. The fuel tax assessment form shall be used to determine if any special fuels tax is due.

a. Examine bills of lading, manifests, or loading tickets to find the origin and destination of the vehicle and the route that it has traveled in Louisiana.

5.b. - 5.i. ...

E. Bulk Gasoline Transports

1. The drivers of all bulk gasoline transports are required to have a currently dated invoice, bill of lading, or manifest showing the following information:

- a. the seller's and purchaser's names and addresses;
- b. the origin and destination of the gasoline;
- c. the authorized routes to be followed (this applies only to gasoline going to or coming from Texas);
- d. the quantity of gasoline.

2.a. Vehicles transporting bulk gasoline to or from Texas must have an authorization card issued by the Department of Revenue and Taxation. This card may not be transferred from one company to another.

b. The name on the card shall agree with the name on the vehicle. The vehicle must be on a route specified on the authorization card. (Check especially bulk vehicles with Texas apportioned plates for these cards and routes.)

3. Bulk fuel transports shall be checked at all enforcement units by Weights and Standards Stationary Scale Police Force officers.

a. Vehicles operated by common or contract carriers licensed by the Interstate Commerce Commission or the Louisiana Public Service Commission shall not be checked. (They may be checked, however, for the fuel they use to operate.)

b. Vehicles operated by companies on the list of "Bonded Gasoline Jobbers" or "Bonded Gasoline Dealers" shall be checked for the required information on the invoice, bill of lading, or manifest. If the gasoline is going to or coming from Texas, the vehicle shall be checked for the proper authorization card and proper route. (These vehicles shall also be checked for the fuel they use to operate.)

F. Bulk Special Fuels Transports. All vehicles transporting bulk special fuels shall be allowed to proceed. (These vehicles shall, however, be checked for the fuel they use to operate.)

G. Fuel Tax Violations

1. Users of Gasoline and Special Fuels

a. If an unbonded gasoline or special fuels user has a proper fuel invoice, but has not purchased enough fuel to cover all the miles traveled in Louisiana, then the officer shall assess the fuel tax, but no violation ticket shall be written.

b. If an unbonded gasoline or special fuels user has an improper fuel invoice or no fuel invoice, then the officer shall issue a violation ticket and assess a fine of \$25. Fuel tax shall be assessed in addition to the fine.

c. If a user of special fuels does not have a working speedometer, odometer, or hub meter, the officer shall issue a violation ticket and assess a fine of \$25.

d. If a user of special fuels does not have the name and address of the company on both cab doors, the officer shall issue a violation ticket and assess a fine of \$25. If the company's name and address is on only one door, the driver should be warned not to return to Louisiana with the same violation. No ticket shall be issued. However, if corrections have not been made within five days, a violation ticket for \$25 shall be issued.

e. No ticket shall be issued on any new transient vehicles or any new vehicle with less than 2,000 miles on the mileage indicator.

f. Fuel tax violations are cumulative. For example, a special fuels user may be fined for not having a working speedometer, not having the company's name and address on the cab doors, and not having a special fuels invoice. In addition, the user may also be assessed fuel tax.

g. Special Instructions for Officers at the East-Bound Slidell Unit

i. When a fuel user has not purchased enough fuel in Louisiana to cover the miles traveled or has purchased no fuel at all, a fuel tax assessment form shall be filled out and a copy given to the driver. The fuel tax assessment form shall be noted "Fuel Tax Not Collected." No violation ticket shall be issued. The driver shall be warned that fuel must be purchased at service stations between the unit and the Louisiana state line. The driver must give the fuel tax assessment form to the service station. (The station mails the form directly to the Weight

Enforcement Office along with the fuel invoice for the purchase.)

ii. Violation tickets shall be issued for not having the company's name and address on the cab doors or not having a working speedometer, odometer, or hub meter. Violation tickets shall also be issued if fuel was purchased, but the fuel invoice does not have all the required information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:31 (February 1979), amended LR 48:

§111. Procedures for Citing Violators

A. Issuing Notice of Violations

1. When any carrier, transport vehicle, or driver is found to be in violation of any provision of this Chapter, the violating party shall receive a "Notice of Violation, Proposed finding and Proposed Civil Penalty" (hereinafter referred to as "notice of violation") within 30 days of the violation.

2. Notices of violation shall provide specific information regarding the violation that is being cited. This information shall include the highway, parish, and the side (North, South, East, West) on which the citation is being issued. This information shall also include the specific nature of the violation-and the number of the statute that was violated.

Statute	Violation	Fine
32:380	Overwidth	\$100
32:381	Overheight	\$100
32:382	Overlength, Overhand, Twin Trailer Combination	\$100
32:383	Dropping, Shifting or Leaking Load	\$100
32:384	Trailer and Towed Vehicle Violations	\$100
32:385	Farm Vehicle and Equipment Violations	\$100
32:386	Over Legal Gross Vehicle Weight or Over Legal Axle Weight	(see chart)
32:386	Improper Distribution of Axle Weight	\$100
32:387	Over Permitted Weight	(see chart)
32:387	Violating Terms or Conditions of Permit Issuance—Other than Weight	\$100
32:387	Permit Not in Vehicle	\$ 25
32:388	Over Licensed Weight	\$100
32:388	Failure to Stop at Stationary Scale	\$100
47:511.1	No Temporary 48-Hour Permit	\$200
47:516	Improper, Expired or No License and Registration	(No fine by DOTD)
47:718	Nonpayment of Gasoline Tax	\$ 25
47:812A	Cargo Tank Connected to Carburetor	\$ 25
47:812B	Nonoperating Speedometer, Odometer, or Hub Meter	\$ 25
47:812C	Owner's Name and Address Not on Outside of Cab Doors	\$25
47:812D	Nonpayment of Special Fuels Tax (No Invoice)	\$ 25

3. Notices of violation shall clearly indicate if a monetary penalty is assessed, or if the notice of violation is only a warning. If a monetary penalty is assessed, the amount of such penalty shall be clearly indicated on the notice of violation. The fines for violations of Title 32 are not cumulative, but a violator may be assessed more than one fine for violations of Title 47 or for violating both Title 32 and Title 47.

4. If the vehicle was found to be overweight, the notice of violation shall clearly indicate the measured weights-

5. For a violation of R.S. 47:516 (improper, expired or no license and registration), where DOTD does not assess the fine, instruct the driver to report to the nearest Vehicle Registration Bureau of the Department of Public Safety to secure the proper registration and license within five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:33 (February 1979), amended LR 48:

§113. Procedures for Collecting Credit Card Payments

A. General Procedures

1. The driver may use a money order, certified check, cashier's check, Mastercard, Visa, or department charge account (established when a bond has been posted for fines). If the sale of a temporary 48-hour permit also requires assessment of the \$200 fine, the total amount shall be remitted by the driver in the form of a money order, certified check, cashier's check, Mastercard, Visa, or DOTD charge account. If the driver has a valid Louisiana driver's license, he can surrender this in lieu of the fine and pay for the permit.

B. Procedures for Handling Credit Card Payments

1. The officer shall check the expiration date and the name on the Mastercard or Visa and verify that it is valid and current. Under no circumstances may an officer use a card which has expired.

2. If the amount to be charged is over \$50, the officer shall call the toll free number for an authorization code (1-800-362-6742). When calling for the authorization code, give the type card (Mastercard or Visa), the card number, the expiration date, the total amount of the charge, and the merchant's account number. The merchant's account number is on the plate of your imprinter (01106747).

3. Use the imprinter to impress the card on the charge slip.

4. Fill in the following information:

- a. date;
- b. department—your unit number;
- c. authorization code—the authorization number given you when you call the toll free number on amounts over \$50. If the amount is less than \$50, draw a horizontal line through that blank;
- d. clerk—your initials;
- e. description—use a separate line for each item (violation ticket, temporary 48-hour permit, DOTD permit) and the corresponding number of the forms and accounts; and give the total (see examples).

5. Have the driver (or whoever actually presents the credit card) sign it. His or her name, or the name of the company, should be on the card.

6. Give the individual the credit card and the original copy of the charge slip. Attach the yellow copy and the white hard copy to the headquarters copies of the violation ticket.

7. In the "Remarks" section of the violation ticket write the credit card number. (Example: Paid by Mastercard Number 813419839)

8. The charge slips are numbered. These numbers do not serve any purpose. In the event an error is made, destroy

the charge slip in the presence of the individual and use another slip.

9. In some instances the individual will not actually have the credit card but will be able to supply the account number. In all such instances, call the toll free number (1-800-363-6742) for approval, regardless of the amount involved. Write in the information normally imprinted by the credit card, and this information should include the expiration date if possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:34 (February 1979), amended LR 48:

§115. Forms for Supervisory Personnel

A. Receipt Cards. The top of this form will be filled out at the headquarters office and placed inside each book or set of forms sent to the field. Upon placing the book or set of forms in use, the supervisor shall verify that all the forms in the set are in consecutive numerical order and that none are missing, sign the card, and note the unit number. Violation ticket books and control permit forms shall be verified by the officer to whom the book or the forms were issued, and the officer shall also sign the card. The supervisor shall send the card to headquarters in the daily mailing.

B. Lost or Missing Form. In the rare event that a form is lost or found to be missing, the supervisor shall fill out two copies of a lost or missing form, noting the type of form, unit number, date, form number, and reason. Where applicable the officer responsible for the missing form shall sign, and the supervisor shall sign the form and send the original to headquarters in the daily mailing. The second copy shall be filed at the unit in place of the missing form.

C. Spoiled Form. When a mistake that cannot be easily corrected is made on a form and a new form has to be filled out, or when a form is filled out in error and has to be canceled, the officer shall fill out two copies of the spoiled form, noting the type of form, unit number, date, form number, reason, and cross reference to the corrected form (if any). The officer and the supervisor shall sign the form. The original shall be attached to the headquarters copy of the form that was spoiled and the copy attached to the unit's copy of the spoiled form.

D. Register of Violation Tickets. A ledger containing a register of violation tickets sheet for each book of tickets issued is to be maintained by each unit supervisor. The information required on the form shall be kept current on a daily basis.

E. Daily Report of Weighing Operations. This report shall be filled out by the officer weighing vehicles. All vehicles crossing the scales shall be counted with a mechanical counter, and only overweight and permit loads shall be logged on the daily report. The unit supervisor shall mail the original to headquarters daily and keep a copy on file at the unit.

F. Summary Report of Daily Weighing Operations. The unit supervisors of stationary units shall fill out this report daily, noting the information required on the form. They shall mail one copy with the day's tickets, receipts, and monies collected to the enforcement and truck permits administrator and retain a copy of the report at the unit. The supervisors of both stationary and portable units shall also

use this form to submit a monthly summary report of daily weighing operations.

G. Register of Control Permit Forms. A register of "C" forms issued, in consecutive order, shall be maintained. Note:

1. the "C" form number;
2. the number of the violation ticket that required the purchase of the permit;
3. the number of the permit issued by the permit office for that "C" form;
4. the cost of the permit;
5. the customer's method of payment (type of money order or check, etc.);
6. the money order or check; and
7. the date mailed to headquarters.

H. Register of Temporary 48-Hour Permits. A register of temporary 48-hour permits sold, in consecutive order, shall be maintained. Note:

1. the temporary permit number;
2. the corresponding violation ticket number issued (if any);
3. the customer's method of payment (type of money order or check, etc.);
4. the money order or check;
5. the date mailed to headquarters.

I. Daily Activity Report. This form is to be used by the mobile units only. It is a summary report of daily weighing operations.

1. The unit supervisor shall:
 - a. follow the instructions in preceding §115.F, J, and I;
 - b. send the original to headquarters daily; and
 - c. retain a copy in the unit files.
2. However, use the summary report of daily weighing operations form to submit the monthly summary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended LR 48:

Chapter 3. Oversize and Overweight Permit

§307. Obtaining Permits

A. General Procedures

1. A permit should have been obtained before the movement of the vehicle began or the vehicle entered Louisiana. Permits may be sold by Weights and Standards Stationary Scale Police Force officers only when a fine has been incurred.

2. If the driver must leave the scales to obtain a permit or fine payment, then the driver may take a truck-tractor or any other vehicle which is of legal size and weight.

3. The violation ticket number shall be noted on the permit and the permit number shall be noted on the violation ticket.

4. If possible, officers should be prepared with all information before calling the truck permit office, since the permit office is able to allow only three minutes for each call.

5. The truck permit office does not issue routine permits after office hours.

6. Each of the control permit forms (C-Forms) which have been checked out to a unit shall be recorded on a register of control permit forms as it is used. Spoiled, lost or missing control permit forms shall also be recorded.

B. Assisting the Driver. There are four ways for officers to assist drivers in obtaining proper permits.

1. Customers who have DOTD permit charge accounts may obtain a permit from a weight and standards police officer and have the fee charged to their account. The officer shall use one of the control forms (C-Forms) which have been checked out to the unit. The officer shall fill out the form completely; then call the truck permit office, relay the information from the form, and request a permit number (P-number). The P-number must be written in the upper right corner of the permit. The line for "Issuing Official" must be filled in with the name of the person at the truck permit office who issues the permit number. The officer shall sign the form below the line for "Issuing Official." The officer shall sign the form below the line for "Issuing Official." The officer shall give the white and pink copies to the driver. The supervisor shall mail the yellow copy along with the attached violation ticket to the enforcement and truck permits administrator.

2. Drivers who have their own blanks of either control forms or prepaid forms may also be assisted. The officer shall complete the form and call the truck permit office as described in §307.B.1. The control forms must be charged to an authorized charge account. The officer shall give the white and pink copies to the driver. The supervisor shall mail the yellow copy and the attached violation ticket to the enforcement and truck permits administrator.

3. Drivers may also obtain a permit from an enforcement officer by paying the permit fee with an acceptable method of payment. The officer shall fill out one of the control forms (C-Forms) which have been checked out to the unit and call the truck permit office as described in Paragraph 1 above. The permit number shall be noted on the cashier's check, certified check, money order, or cash receipt; and the cashier's check, certified check, money order, or cash receipt number shall be noted on the permit. The officer shall give the white and pink copies of the form to the driver. The supervisor shall mail the fee payment, the yellow copy, and the attached violation ticket to the enforcement and truck permits administrator.

4. If a customer does not have an acceptable method of payment, the officer may recommend the wire services to the driver. The location of the nearest office of each company can be obtained from the telephone book. If no listing is available in the phone book, the following toll-free numbers may be called to obtain the nearest local office: Instacom, 1-800-527-6161; Mid Continent, 1-800-643-8650; Transceiver, 1-800-537-7740; Western Union, 1-800-851-2300. After a location has been obtained, the officer shall telephone the truck permit office to request a permit and request that the permit be transmitted to that wire service location.

5. If a driver wishes to obtain a permit without assistance, the officer shall provide the driver with the public telephone number of the truck permit office, (225) 343-2345. The toll-free WATS number is for the use of weights and

standards police officers only, and calls from drivers on that line will not be accepted by the truck permit office.

C. Increasing Permitted Weight

1. If a vehicle needs to increase its permitted weight, officers may assist the driver by the methods described in §307.B.

2. The incorrect permit form may be reused and changed if the customer has an established permit charge account or if acceptable payment is made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:38 (February 1979), amended LR 48:

§309. Permit Restriction

A. Enforcing Permit Restrictions

1. The truck permit office has the authority to put additional restrictions on a permit. These restrictions will be noted on the "Restrictions" or "Remarks" sections of the permit.

2. The Weights and Standards Stationary Scale Police Force officer shall see that all restrictions shown on the permit have been followed before a vehicle is allowed to proceed, unless directed otherwise by the truck permit office.

3. If an officer suspects that a normal restriction has been omitted from the permit (for example, a load 100 feet long without an escort), the truck permit office shall be contacted for verification. No ticket shall be issued for restrictions which were overlooked by the permit office; however, the vehicle shall be delayed until necessary restrictions have been met.

B. Escorts

1. Private escorts are required for all vehicles and loads:

- a. over 12 feet wide and up to 16 feet wide;
- b. over 90 feet long and up to 125 feet long.

2. State police escorts are normally required for vehicles and loads:

- a. over 16 feet in width;
- b. over 125 feet in length;
- c. on any vehicle or load deemed necessary by the department.

3. An escort vehicle may escort two overlength vehicles or loads, but only one overwidth vehicle or load.

4. An escort vehicle must be behind overlength vehicles and loads. On a multilane highway it must be behind an overwidth vehicle or load and on a two-lane highway it must be in front of an overwidth vehicle or load.

5. The DOTD District Maintenance Engineer must approve all movements over 18 feet wide, such as houses. This may be done by a letter which grants permission for the movement or by sending a representative from the district office to escort the movement. Either the letter or the representative must be present before the movement can proceed.

C. Interstate Movement

1. Vehicles and loads with forest product permits, forest management equipment permits, oil field equipment permits, and steering axle permits are prohibited from moving on interstate highways.

2. Vehicles and loads over 14 feet wide are prohibited from moving on interstate highways.

D. Night, Inclement Weather, and Holiday Movement

1. Most vehicles and loads requiring a permit will be prohibited from moving at night, in inclement weather, and on certain designated holidays by the truck permit office. The state police may override the truck permit office for safety reasons.

2. Weights and Standards Stationary Scale Police Force officers shall not allow vehicles requiring oversize permits to cross either of the Mississippi River Bridges in New Orleans from 6:30 to 9 a.m. and from 3:30 to 6 p.m. Except in cases of emergencies, these vehicles cannot be parked within 75 feet of the highway if they are within two miles of the bridges. Vehicles with valid utility vehicle permits are exempt from these restrictions if they are being operated by a public utility. Vehicles in violation shall be reported to the state police.

3. The truck permit office does not prohibit following vehicles and loads from on Sundays after 1 p.m., on holidays, or at night:

a. vehicles with valid waste disposal truck permits, steering axles permits, harvest season permits, utility vehicle permits, and oil field equipment permits;

b. vehicles with valid oversize and overweight permits:

i. if the load does not project beyond the boundaries of the vehicle;

ii. if the width of the vehicle and load does not exceed 8 feet;

iii. if the height of the vehicle and load does not exceed 14 feet, 4 inches; and

iv. if the weight of the vehicle and load does not exceed 120,000 pounds.

4. The truck permit office does not prohibit the following vehicles and loads from traveling on Sundays after 1 p.m. or on holidays, but it does prohibit them from traveling at night:

a. vehicles with valid forest product permits or forest management equipment permits;

b. vehicles with valid oversize permits which are transporting pipe loaded across the vehicle (rather than lengthwise) and which do not exceed 8 feet, 8 inches in width (including the pipe).

5. In the field the Weights and Standards Stationary Scale Police Force officer shall be responsible for determining the intensity of inclement weather (severe, moderate, or mild) unless the state police determine otherwise.

6. Severe Weather. Vehicles and loads requiring a permit are prohibited from traveling during weather which is physically severe, such as extremely heavy rain, heavy fog, icy road conditions, heavy snow, or any continuous condition which creates low visibility for drivers or hazardous driving conditions. However, vehicles with valid utility vehicle permits are not prohibited from traveling in severe weather.

7. Moderate Weather. Some vehicles with permits may travel at the option of the driver if the officer considers the weather to be moderate and if the vehicle has not been prohibited by the truck permit office from traveling during moderate weather. In general, the following vehicles and loads are not prohibited by the truck permit office from traveling during moderate weather:

a. vehicles with valid forest product permits, forest management equipment permits, utility vehicle permits, waste disposal permits, steering axle permits, harvest season permits, and oil field equipment permits;

b. vehicles with valid oversize and overweight permits:

i. if the load does not project beyond the boundaries of the vehicle;

ii. if the width of the vehicle and load does not exceed 8 feet;

iii. if the height of the vehicle and load does not exceed 14 feet, 4 inches; and

iv. if the weight of the vehicle and load does not exceed 120,000 pounds;

c. vehicles with valid oversize permits which are transporting pipe loaded across the vehicle (rather than lengthwise) and which do not exceed 8 feet, 8 inches in width (including pipe).

8. Mild Weather. Wet pavement, light drizzle, and wind are not considered inclement weather for the purposes of permit movement. Permit movements are not prohibited from traveling during these milder weather conditions unless the movement would create a traffic hazard; for example, movement of a load 14 feet wide during rain or movement of mobile homes in wind.

9. If a vehicle has been prohibited from moving in moderate or severe weather is underway when such weather occurs, the vehicle is required to proceed to a safe place off the roadway and park until the weather clears. During inclement weather officers at stationary location shall delay such vehicles until the weather clears, and officers on mobile units shall escort such vehicles to a safe place for parking until the weather clears. If the vehicle is observed traveling after being directed to stop, a violation ticket shall be issued.

E. Red Warning Flags

1. In general, flags are required by the truck permit office on vehicles and loads which exceed the legal width. There must be flags at the following points.

a. Four flags, two on the front edges and two on the rear edges, must be attached at the widest points on the part of the vehicle or load which exceeds the legal width.

b. If a load projects only to one side of a vehicle of legal width, one flag on the front edge of the load and one flag on the rear edge of the load will be sufficient.

c. If a projecting load does not exceed 3 feet from front to back, one flag on each side will be sufficient.

d. Flags must be attached on any other portion of the vehicle which is wider than the flagged front or rear edges.

2. Generally, red flags are also required by the truck permit office on vehicles and loads which exceed the legal length or which have a rear end overhang of more than 4 feet. (If the overhang clears the pavement by 6 feet or more, red flags are not required.) There must be flags at the following points.

a. If the overlength or projecting portion is 2 feet wide or less, one flag must be located at the extreme rear end of the load.

b. If the overlength or projection portion is wider than 2 feet, two flags at the extreme rear end of the load must be located to indicate maximum width.

3. All warning flags must be red and at least 18 inches square. Flags must either be securely fastened by at least one corner or securely mounted on a staff which keeps the flag upright.

F. Warning Signs

1. Vehicles and loads exceeding 10 feet in width must display two signs with the wording "OVERSIZE LOAD." One sign must be on the front of the vehicle. The other must be on the rear of the load; however, if the sign cannot be attached or clearly read in this position, then the sign must be on the rear of the vehicle itself.

2. Vehicles and loads exceeding 75 feet in length or the legal rear end overhang must display two signs with the wording "OVERSIZE LOAD." These signs must be on the sides of the overhanging part of the load; however, if the signs cannot be attached or clearly read in this position, then the signs must be on the sides of the vehicle. If the rear end overhang clears the pavement by 6 feet or more, no sign is required on the overhang.

3. Vehicles and loads exceeding the legal front end overhang must display one sign with the wording "OVERSIZE LOAD." This sign must be on the front of the vehicle. If the overhang clears the pavement by 6 feet or more, no sign is required.

4. All warning signs must be at least 7 feet long and 18 inches high. The background must be yellow and the lettering black. Letters must be at least 10 inches high with a 1 5/8 inch brush stroke.

G. Warning Lights

1. The truck permit office requires lights at night and during inclement weather on vehicles and loads which exceed the legal width, in the following places.

a. Two amber lights must be attached at the widest points on the front edges of the overwidth part of the vehicle or load, and these lights must be visible from both the front and the side.

b. Two red lights must be attached at the widest points on the rear edges of the overwidth part of the vehicle or load and these lights must be visible from both the rear and the side.

c. An amber light must be attached on any part of the vehicle or load which is wider than the front or rear edges, and this light must be visible from the front, side and rear.

d. A single light on each side, visible from the front, side, and rear, may be used if the overwidth part of the vehicle or load does not exceed 3 feet from front to back. If the overwidth part is at or near the front of the vehicle, this light must be amber. If the overwidth part is at or near the rear of the vehicle, this light must be red.

2. The truck permit office also requires lights at night and during inclement weather on vehicles and loads which are overlength or have rear end overhangs of more than 4 feet, in the following places.

a. Two red lights, one on each side, must be visible from the side and indicate the extreme rear of the vehicle or load.

b. Two red lights, one on each side, and two red reflectors, one on each side, must be visible from the rear, must be located on the rear of the vehicle or load, and must indicate maximum width of the overlength or projecting

part. However, if the overlength or projecting part is 2 feet wide or less, one red light and one red reflector are sufficient.

3. Two or more lights may be combined if the resulting light still conforms to the requirements and its effectiveness is not hurt by the combinations.

4. All lights must be of types approved for such use by the Department of Public Safety and must be visible from a distance of 500 feet. (Approval of any nonstandard lights is done by state police troops.)

H. Speed Limits

1. The truck permit office may also restrict the speed of a movement. Permit movements are limited to 45 miles per hour unless otherwise noted on the permit.

2. The state police shall be contacted if any vehicle with a permit appears to be exceeding its permitted speed limit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:38 (February 1979), amended LR 18:508 (May 1992), amended by the Office of Weights Measures and Standards, LR 20:463 (April 1994), LR 48:

§311. Checking Permits

A. General Procedures

1. A permit must be carried with the vehicle for which it was issued at all times. Any vehicle requiring a permit which does not have a permit with it shall be fined. (A permit may be carried in an escort vehicle as long as the escort vehicle is not separated from the vehicle requiring the permit.)

2. All permits which have been checked shall be signed by the officer, and the date, time of day, and scale location shall be noted on the permit. If the truck permit office was called for verification, the name of the official at that office shall also be noted next to the changes. All additions or changes which were verified shall be initialed by the officer and also noted again near the officer's signature.

3. When vehicles arrive at the scales with permits which have already been checked by an officer, they do not have to be reverified with the truck permit office if all changes have been initialed by a Weights and Standards Stationary Scale Police Force officer.

4. If a permitted vehicle or load is too large to pass through a stationary unit, a state police escort may radio ahead for authorization to bypass the unit. The permit shall be checked by radio and verified if necessary with the truck permit office. All other oversize and overweight permits shall be actually seen by the officer.

5. No vehicle shall be delayed more than 15 minutes for permit checking.

B. Comparing the Permit to the Vehicle or Load. Since officials at the truck permit office do not actually see or physically inspect a vehicle or load before a permit is issued, all information on a permit shall be checked against the vehicle or load by enforcement officers.

1. The name of the mover on the form must be the same as the identification on the cab of the vehicle and the owner on the vehicle registration certificate. If the mover has leased the vehicle and is different from the owner on the cab

doors or on the vehicle registration certificate, proof of the lease must be shown to the officer.

2. The load being hauled must agree with the information on the form. A vehicle and load with a permit must always be an indivisible vehicle and load, with the following exceptions:

a. vehicles with forest product permits, waste disposal truck permits, or harvest season permits;

b. vehicles transporting pipe loaded across the vehicle (rather than lengthwise) may have overwidth permits if the width of the vehicle and load does not exceed 8 feet, 8 inches;

c. vehicles transporting up to three bundles of pre-packaged or strapped oil field pipe may have overwidth permits if the load does not exceed 10 feet in width;

d. vehicles transporting up to 500 pounds of small parts which have been or can be easily divided or dismantled from the indivisible part of a vehicle or load may be moved with the main part of the shipment on a single permit.

3. If the vehicle is a mobile home, the serial number on the mobile home must be the same as the number listed on the permit.

4. The vehicle make or model (Mack, International, Peterbilt, etc.) shall be compared to the permit. The license plate on a truck or truck-tractor, serial number on off-road equipment, and license plates on trailers or semi-trailers shall also be checked against the permit.

5. The highway numbers on the permit shall be examined to insure that the movement is following the route described on the permit.

a. The monthly oversize permit is issued from any point to any point.

b. The steering axle permit, oil field equipment permit, forest product permit, and forest management equipment permit are issued for all highways except interstate highways.

6. The date shall be compared to the dates the movement is to begin and end as noted on the permit.

a. Oversize permits are issued at \$8 per trip if the trip lasts less than one day and \$8 per day if the trip lasts more than one day. Vehicles observed making more than one trip per day with an oversize permit have an invalid permit for the second trip. Anytime the prepaid permit form is used, the permit is valid for only one day and one trip.

b. Monthly oversize permits are issued for Monday through Friday only, Monday through Saturday only, or for every day of the week. (Holidays may be excepted.) The monthly oversize permit may be used for more than one trip per day.

c. Overweight permits are issued for one trip. The number of days allowed for the trip will be indicated by the "Date Movement Begins" and "Date Movement Ends."

d. Waste disposal truck permits, steering axle permits, forest product permits, and forest management equipment permits, which are issued for a year, must have a valid "Date Movement Ends."

e. Harvest season permits, which are issued for a year, must have a valid "Expiration Date."

f. Utility vehicle permits, may only be used for one 24-hour period. Both the date and the time of day shall be checked by the officer. These permits must be filled out in ink.

g. Oil field equipment permits are issued for a month and must have a valid "Date Movement Ends."

7. The number of axles noted on the permit shall be compared to the number and type (tandem, etc.) on the vehicle. The axle weights and the gross vehicle weight on the permit shall be matched against the weights shown on the scales. The scale weights must be equal to or lower than the weights on the permit.

a. Prepaid permit forms may not be used for overweight loads. If a prepaid permit form accompanies an overweight vehicle or load, the vehicle is in violation.

b. Permits on regular forms, transmitted forms, and control forms which are for overweight are also valid for oversize if the dimensions are shown on the permit. This does not apply to waste disposal truck permits or harvest season permits, which have been limited to vehicles and loads which are only overweight.

c. If the gross vehicle weight is under the weight shown on the permit, vehicles with harvest season permits shall be allowed a 500-pound variance on each single axle or axle group (tandem, tridum, or quadrum).

d. No load may be carried by vehicles with oil field equipment permits or by rig-up trucks with steering axle permits.

8. All dimensions on the vehicle or load (width, height, length, front and rear overhang) must be equal to or less than the dimensions listed on the permit.

9. The movement shall also be compared to the "Restrictions" and "Remarks" sections of the permit:

- a. night movement;
- b. inclement weather movement;
- c. Sunday movement;
- d. holiday movement;
- e. warning flags;
- f. warning lights;
- g. warning signs;
- h. speed;
- i. escorts; and
- j. any other limitations added to the permit by the truck permit office.

C. Verifying Permits with the Truck Permit Office

1. In some cases it is necessary to call the truck permit office to compare a permit with the master copy at the office. When calling, officers should be prepared with the date of issuance and the permit number (P-number, F-number, or U-number) from the upper right corner of the permit.

2. All information on prepaid forms (A-Forms) and control forms (C-Forms) shall be verified due to the fact that the truck permit office activates these permits over the phone.

3. All date changes shall be verified with the truck permit office.

4. All restrictions which the officer suspects were omitted from the permit shall be verified with the truck permit office.

5. The truck permit office shall also be called about any other unverified additions, changes or suspicious information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:40

(February 1979), amended by the Office of Weights Measures and Standards, LR 20:463 (April 1994), LR 48:

§313. Permit Violations

A. General Procedures

1. If a vehicle or load requires a permit and is operating without a valid permit or violating conditions of a permit, the officer shall issue a violation ticket for the violation which gives the greatest fine.

2. Drivers shall be given the opportunity to shift loads to reduce or eliminate permit fines as long as no part of the load is removed from the vehicle.

3. The axle variance on noninterstate highways shall be allowed for vehicles with oversize permits. Vehicles with overweight permits which have exceeded their permitted axle weight shall not be allowed any additional axle variance. However, vehicles with harvest season permits shall be allowed a 500-pound variance on each single axle or axle group (tandem, tridum, or quadrum) if the gross vehicle weight is under the weight shown on the permit.

B. Handling Permit Violations

1. No Permit, Oversize. If an indivisible vehicle or indivisible load exceeds the legal limitations or department regulations for width, height, length, or projecting loads and is operating without a valid permit when one is required the officer shall issue a violation ticket and assess a fine of \$100.

2. No Permit, Overweight. If an indivisible vehicle or indivisible load exceeds the legal limitations or department regulations for axle weight or gross vehicle weight and is operating without a valid permit when one is required, the officer shall assess a fine from the overweight penalty schedule. The fine must be based on either the number of pounds over legal gross weight or on the number of pounds over legal axle weight or on the number of pounds over legal axle weight on all overweight axles, whichever results in the greater fine.

3. With Permit, Oversize. If an indivisible vehicle or indivisible load exceeds the width, height, length, front end overhang, or rear end overhang allowed by a valid permit the officer shall issue a violation ticket and assess a fine of \$100.

4. With Permit, Over Axle Weight Only

a. If an indivisible vehicle or indivisible load exceeds the axle weight, but not the gross vehicle weight, allowed by a valid permit; then no ticket shall be issued (except for harvest season permits, waste disposal truck permits, and steering axle permits). The officer shall contact the truck permit office.

b. If a vehicle or combination of vehicles has a harvest season permit, waste disposal truck permit, or steering axle permit and exceeds the axle weight, but not the gross vehicle weight, allowed by a valid permit then the officer shall issue a violation ticket and assess a fine from the overweight penalty schedule. The fine shall be based on all pounds in excess of the permit's axle weight.

i. The officer shall require that vehicles with harvest season permits or waste disposal truck permits proceed to the nearest suitable place to off-load to the permitted axle weights at the owner's expense.

5. With Permit, Over Gross and Axle Weights

a. If an indivisible vehicle or indivisible load exceeds both the axle weight and the gross vehicle weight allowed by a valid permit (except for harvest season permits, waste disposal truck permits, and steering axle permits), the

officer shall issue a violation ticket and assess a fine on all pounds in excess of the permit's gross weight from the chart for assessing penalty for violation of weight limitations stated on an overweight permit. The permit fee charged shall be only for the difference between the fee already paid and the correct permit fee.

i. If the truck permit office requires that the vehicle or load be returned to an adjoining state or point of origin in Louisiana, the officer shall then release the vehicle or load from impoundment.

b. If a vehicle or combination of vehicles has a harvest season permit, waste disposal truck permit, or steering axle permit and exceeds both the axle weight and the gross vehicle weight allowed by a valid permit, the officer shall issue a violation ticket on the greater of a fine from the chart for assessing penalty for violation of weight limitations stated on an overweight permit on all pounds in excess of the permit's gross vehicle weight or a fine from the overweight penalty schedule on all pounds in excess of the permit's axle weights.

i. The officer shall require that vehicles with harvest season permits or waste disposal truck permits proceed to the nearest suitable place to off-load to the permitted weights at the owner's expense.

C. Writing Permit Tickets

1. In issuing tickets, an officer shall cite the specific violation on the ticket.

2. For vehicles which have no permit or which have an invalid permit, the officer shall cite:

- a. R.S. 32:380, overweight;
- b. R.S. 32:381, overheight;
- c. R.S. 32:382, overlength, overfront overhand, over rear overhang;
- d. R.S. 32:386, overweight.

3. For vehicles which do have a valid permit, the officer shall cite:

- a. R.S. 32:387, over permitted size, over permitted overhang;
- b. R.S. 32:387, over permitted weight;
- c. R.S. 32:387, no escort, no warning flags, no warning signs, no warning lights, traveling on interstate, traveling on a holiday, traveling in severe weather, traveling in moderate weather, traveling at night, exceeding permitted speed, etc.;
- d. R.S. 32:387, permit not in vehicle.

4. The officer shall note "no permit," "invalid permit," "expired permit," etc., in the "Remarks" section of the violation ticket. The permit number of any invalid or expired permit and the correct permit's number shall also be noted on the ticket.

5. Invalid or improper permits shall be confiscated and mailed daily to the enforcement and truck permit administrator by the supervisor. These permits must have "VOID" written across them and the reason for voiding. If a new permit was obtained, the new permit number and the violation ticket number shall be noted on the voided permit. The voided permit number and the violation ticket number shall be noted on the new permit.

6. Permit Not in Vehicle. If a vehicle or load has a valid permit, but fails to have the permit in the vehicle for which it was issued, the officer shall issue a violation ticket and assess a fine of \$25 after verification of the existence of

the permit with the truck permit office. The vehicle shall be allowed to proceed after ticketing.

a. If a permit's existence has been verified by the truck permit office and the permit is located within a reasonable distance of the enforcement unit, the driver shall be allowed to get the permit. No ticket shall be issued.

b. If the driver insists that a permit was issued, but no permit can be located by the truck permit office within a short time; then the driver shall be given the option of paying the fine for not having a permit (as in §313.C.1 or 2) or of waiting for the permit to be located. If the driver opts to pay the fine, then the driver shall be assured that all but \$25 of that fine will be returned if the permit is later located.

7. Permit Restriction Violations

a. When restrictions have been written on a permit or when the truck permit office confirms (on A-Forms and C-Forms) that their master copy shows permit restrictions, then the officer shall issue a violation ticket and assess a fine of \$100. This procedure applies to vehicles operating without an escort; traveling on interstate highways, at night, during inclement weather, or on designated holidays; or violating any other permit restrictions except operating without red flags, warning signs, or warning lights.

b. When the above restrictions are not written on a permit and were overlooked or omitted by the truck permit office, no violation ticket shall be issued. The vehicle shall, however, be delayed until any restrictions required by the truck permit office have been met.

c. If a vehicle is operating without red flags, warning signs, or warning lights when required by its permit, no violation ticket shall be issued. The driver shall be warned and the vehicle shall be allowed to proceed. If a vehicle has been repeatedly in violation, the Weight Enforcement Office shall be contacted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:41 (February 1979), amended by the Office of Weights Measures and Standards, LR 20:463 (April 1994), LR 48:

Chapter 11. Enforcement Procedures and Penalties

§1101. General Procedures

A. All vehicles, rated 1 ton or over are required to stop at DOTD stationary enforcement units except the following:

1. automobiles, including those towing another vehicle;
2. pickup trucks under one ton, if they are not towing another vehicle;
3. vans, if they have less than one-ton capacity;
4. recreational vehicles, if they are not oversize or overweight;
5. buses;
6. wreckers towing a vehicle which would not be required to stop at the scales.

B. Penalty for vehicles failing to stop at stationary scales, or disregarding the mobile unit's efforts to stop a vehicle or combination of vehicles is \$100 fine.

C. Any owner or driver who disagrees with a penalty or the enforcement of these laws must pay the penalty assessed and give the officer notice at the time of payment of his or her intention to file suit for its recovery. Any owner or operator has 90 days to file suit against the Department of Transportation and Development in the State district court

located either in the parish in which the violation occurred, in the parish of domicile of the vehicle, or in East Baton Rouge Parish. No court may restrain the collection of any penalty assessed by DOTD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), LR 48:

§1103. Legal Limitation Violations

A.1. The secretary of DOTD, or his designee, shall send the responsible party a “Notice of Violation, Proposed Finding and Proposed Civil Penalty” within 30 calendar days of the violation. However, the commissioner or secretary shall be granted an additional 60 calendar days to send the Notice of Violation only in the case of a data system failure due to either an act of God, or an intentional sabotage.

2. Each Notice of Violation shall state whether or not a monetary penalty is assessed, or if the Notice of Violation serves only as a warning.

3. When a monetary penalty is assessed, each Notice of Violation, shall be sent to the responsible party by certificate of mailing. The responsible party shall have 45 calendar days from the date of the Notice of Violation to either pay the fine, or to request in writing an administrative hearing to review the Notice of Violation. If the amount of the fine has been negotiated between the secretary of DOTD, or his designee, and the responsible party, the responsible party shall be notified within 30 calendar days from the final negotiation date.

4. The responsible party shall have 45 calendar days from the date of the Notice of Violation to either pay the fine, or to request in writing an administrative hearing to review the Notice of Violation. After the administrative hearing has occurred and findings have been made by the hearing officer, any appeal of the findings of the hearing officer shall be filed in a state district court with jurisdiction over the matter.

5. The responsible party shall pay all fees and fines by not later than 45 calendar days after the issuance of the Notice of Violation, or not later than 30 calendar days after receiving a notice of final judgment from the administrative law judge following the hearing on the matter.

6. Fines shall be paid by certified check, money order, or credit card. Payment made by credit card shall be deemed received by the secretary of DOTD when tendered and an approval code is received from the credit card company or processor.

7. If the responsible party fails to timely pay the assessed fine in the prescribed time, the secretary shall transmit the driver’s license number to the Office of Motor Vehicles, upon receipt of which the Office of Motor Vehicle shall immediately notify the driver by first class mail that his driver’s license shall be suspended for 30 calendar days after the date of the mailing of the notice until such time as all fines assessed by the Notice of Violation, or the final judgment of the administrative law judge, are paid in full, with an additional fifty dollar fee, payable to the Office of Motor Vehicles, in order to cover its administrative costs.

B. Twin Trailer Combinations, Trailer and Towed Vehicles, Farm Vehicles and Equipment, and Care of Vehicle Loads. If a vehicle, combination of vehicles, or load violates Louisiana law or DOTD regulations for twin trailer combinations, trailers and towed vehicles, farm vehicles and equipment, or care of vehicle loads, the penalty will be \$100 and the driver must correct the violation.

C. Oversize. If a vehicle and divisible load exceeds the legal limitations or DOTD regulations for width, height, length, or projecting loads; the penalty will be \$100 and the driver must reduce the load to the legal size.

D. Overweight. The amount assessed for an overweight penalty will be for the violation with the greatest dollar value, whether based on gross vehicle weight, axle weight(s), or bridge formula. A \$10 penalty will be assessed for each lesser violation(s).

1. Gross Vehicle Weight or Axle Weight

a. If a vehicle and divisible load exceeds the legal limitations or DOTD regulations for axle weight or gross vehicle weight, these schedules will be used.

Overweight Pounds	Over Gross Weight	Over Axle Weight(s) Only
0 to 3,000	\$0.02 per pound	\$0.01 per pound
3,001 to 5,000	\$0.03 per pound	\$0.015 per pound
5,001 to 10,000	\$0.04 per pound	\$0.02 per pound
10,001 and over	\$100.00 plus \$0.05 per pound	\$100.00 plus \$0.05 per pound

b. If a vehicle exceeds the legal maximum gross weight but not the legal maximum axle weight, the over gross weight schedule is used to assess the penalty.

c. If a vehicle does not exceed the legal maximum gross weight, but exceeds the legal maximum axle weights for any axle or axle groups, the penalties are then computed separately for each axle or group, the sum amount of which is the penalty assessed.

d. If a vehicle exceeds both the legal maximum gross weight and the legal maximum axle weight, both penalties are computed from the over gross weight schedule, and the greater of the two is assessed as the penalty. When two or more single axle or axle groups are overweight, the sum of the penalties of the overweight axles is compared to the penalty on the gross weight, and the greater of the two will be assessed. A \$10 penalty is assessed for the lesser violation.

2. Posted Bridges. If a vehicle or combination of vehicles is observed crossing a bridge which has regulatory weight limits and the vehicle or combination of vehicles exceeds the posted weight limit on the bridge, the penalty will be \$100.

3. Escort Vehicles

a. Operating as an escort vehicle when required by oversize/overweight permit unable to pass required inspection, the penalty will be \$100.

b. Transporting load without an escort when one is required, the penalty will be \$100.

4. Bridge Formula. If the owner or driver of a vehicle or combination of vehicles is in violation of the bridge formula axle spacing requirements, the penalty will be \$50.

5. Stationary Poles. If a combination of vehicles transporting forest products in their natural state is not equipped with stationary vertical retaining poles on the driver's side of the trailer portion, the penalty will be \$100.

6. Variable Load Suspension Axles

a. If vehicles equipped with VLS axles are observed to have the regulator for these axles installed in the cab, the penalty will be \$100.

b. If vehicles equipped with VLS axles are observed operating with axles in the up position when not entering or leaving a turn, the vehicle will be cited as the type represented by the number of axles on the ground. The penalty will be calculated from the appropriate overweight chart.

E. Permit Violations

1. Drivers will be given the opportunity to shift the load to reduce or eliminate oversize and overweight penalties as long as no part of the shipment is removed.

2. Indivisible vehicles or indivisible loads exceeding the legal limitations without a permit or violating the restrictions of a permit will be issued a notice of violation.

3. No axle variance will be allowed for vehicles which exceed their permitted axle weight.

4. Penalties will be due immediately upon receipt of the ticket.

5. Exception. The Secretary of the Department of Transportation and Development may establish credit accounts for violators, if each violator provides the department a cash bond or penalty bond in the minimum amount of \$5,000. It is required that the original penalty bond, a power of attorney for the principal, and a power of attorney for the insurance company be furnished to the department's Weights and Standards Headquarters Office.

6. Exception. A driver of a vehicle registered in Louisiana who possesses a valid Louisiana driver's license may deposit the license with the enforcement officer instead of paying the penalty immediately. A receipt will be provided which will notify the owner and driver of when and where to pay the penalty. The receipt will also serve as a valid Louisiana driver's license for 30 days. If the penalty has not been paid within the 30-day period, the driver's license will be forwarded to the Department of Public Safety for suspension, and the DOTD Weights and Standards Police Force will locate and remove the license plate from the vehicle in violation until any penalty assessed is paid. In addition, DOTD will institute suit against the violator; and the violator may be penalized an additional \$100, imprisoned for 30 days, or both. For a second violation, the violator may be penalized an additional \$500, imprisoned for 90 days, or both. If the violator is not an individual, imprisonment will not be required; however, a double penalty may be assessed.

7. In case of multiple violations of size, weight and permits, the penalty assessed will be for the violation which gives the greatest penalty. However, multiple weight violations are susceptible to additional penalties.

8. If upon expiration of a 90-day period any penalty assessed remains unpaid, the department may institute a civil suit in the parish in which the violation occurred or in the domicile of the owner or driver to collect any penalty assessed but unpaid.

F. Oversize. If an indivisible vehicle or indivisible load exceeds the legal limitations or DOTD regulations for width, height, length, or projecting loads and is operating without a permit or exceeding the size allowed by a valid permit; the penalty will be: \$100, plus the cost of an oversize permit, if a permit was not previously purchased. In addition, any restrictions imposed by DOTD must be met.

G. Overweight

1. No Permit for Weight

a. If a vehicle, vehicle combination, or vehicle/indivisible load combination exceeds the legal limitations or DOTD regulations for axle weight or gross vehicle weight and is operating without a permit, an overweight permit must be purchased and any restrictions imposed by DOTD must be met.

b. If a vehicle exceeds the legal gross weight but not the legal axle weight, a penalty will be assessed from the over gross weight schedule on all pounds in excess of the legal gross vehicle weight.

c. If a vehicle exceeds the legal axle weight but not the legal gross vehicle weight, a penalty will be assessed from the over axle weight only schedule on all pounds in excess of the legal axle weight. When two or more single axles or axle groups are overweight, the penalty will be figured for each overweight single axle or axle group; then all the penalties will be added together.

d. If a vehicle exceeds both the legal gross vehicle weight and the legal axle weight, one penalty will be figured using the pounds in excess of the legal gross vehicle weight and one penalty using the pounds in excess of the legal axle weight. Both penalties will be figured using the over gross weight schedule, and the greater of the penalties will be assessed. When two or more single axles or axle groups are overweight, the sum of the penalties on the overweight axles will be compared to the penalty on the gross weight; then the greater of the two will be assessed plus \$10 penalty for the lesser violation.

2. Over Permitted Axle Weight Only

a. If a vehicle, vehicle combination, or vehicle/indivisible load combination exceeds the axle weight but not the gross vehicle weight allowed by its permit, then no penalty will be assessed (except for harvest season permits, natural forest product permits, waste disposal truck permits, and steering axle permits). However, DOTD may require either additional dismantling of the load, modification of the hauling equipment, or return of the movement to the state of origin or to its point of origin in Louisiana.

b. If a vehicle or combination of vehicles has a harvest season permit or natural forest product permit and exceeds the axle weight but not the gross vehicle weight allowed by the permit, then a penalty will be assessed on all pounds in excess of the permit's axle weights according to the over axle weight only schedule. When two or more single axles or axle groups are overweight, the penalty will be figured for each over-weight single axle or axle group; then all the penalties will be added together. In addition, these vehicles may be required to proceed to the nearest suitable place to off-load to the permitted axle weights at the owner's expense.

c. If a vehicle has a waste disposal truck permit or steering axle permit and exceeds the axle weight but not the

gross vehicle weight allowed by the permit, a penalty will be assessed from the over axle weight only schedule. The penalty will be based on all pounds in excess of the permit's axle weight.

NOTE: Vehicles with waste disposal truck permits may be required to proceed to the nearest suitable place to off-load to the permitted axle weight at the owner's expense.

NOTE: Vehicles with steering axle permits must increase the permit's weight to the weight being carried.

3. Over Permitted Gross Weight Only

a. If a vehicle, vehicle combination, or vehicle/load combination exceeds the gross vehicle weight but not the axle weight allowed by a valid permit, a penalty will be assessed from the over gross weight schedule. The penalty will be based on all pounds in excess of the permit's gross vehicle weight.

NOTE: Vehicles with overweight permits will be required to increase the permit's weight to the weight being carried, and the driver will be charged for the difference between the fee already paid and the correct permit fee. DOTD may also require additional dismantling of the load, modification of the hauling equipment, or return of the movement to the state of origin or its point of origin in Louisiana.

NOTE: Vehicles with harvest season or natural forest product permits may be required to proceed to the nearest suitable place to off-load to the permitted gross vehicle weight at the owner's expense.

4. Over Permitted Gross and Axle Weights

a. If a vehicle, vehicle combination, or vehicle/load combination exceeds both the gross vehicle weight and the axle weight allowed by a valid permit, one penalty shall be figured using the pounds in excess of the permit's maximum allowable gross vehicle weight.

NOTE: Vehicles with overweight permits will be required to increase the permit's weight to the weight being carried, and the driver will be charged for the difference between the fee already paid and the correct permit fee. DOTD may also require additional dismantling of the load, modification of the hauling equipment, or return of the movement to the state of origin or its point of origin in Louisiana.

NOTE: Vehicles with harvest season or natural forest product permits may be required to proceed to the nearest suitable place to off-load to the permitted weights at the owner's expense.

H. International Trade Container Permits

1. Containerized Cargo Permit. If a vehicle combination exceeds the permitted maximum allowable weight on tandem axles the minimum penalty will be \$100 for violation of terms of the permit. If the vehicle combination also exceeds its maximum gross weight, the penalty will be figured from the appropriate chart and the greater of the two penalties will be assessed plus \$10 penalty for the lesser violation.

2. Liquid Bulk Container Permit. If a vehicle combination exceeds the permitted maximum allowable weight on tandem axles the minimum penalty will be \$100

for violation of terms of the permit. If the vehicle combination also exceeds its maximum gross weight, the penalty will be figured from the appropriate chart and the greater of the two penalties will be assessed plus \$10 penalty for the lesser violation.

I. Permit Restrictions

1. If a vehicle is operating without an escort, warning flags, warning signs, or warning lights when they are required by its permit; is traveling at night, during inclement weather, or on a designated holiday when prohibited by its permit; is exceeding the permitted speed limit; or is violating any other permit restrictions, the penalty will be \$100 and the driver must comply with all permit restrictions.

2. If it is verified that a vehicle has a valid permit, but fails to have the permit in the vehicle for which it was issued, the penalty will be \$25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 and 32:386.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), LR 24:1517 (August 1998), LR 48:

§1105. Vehicle Registration and Licensing Violations

A. Improper License or Registration

1. If a vehicle domiciled in Louisiana is operating with an improper Louisiana license or registration (full or apportioned), the penalty will be 25 percent of the annual cost of the proper license. The driver will be required to purchase the proper Louisiana license from the Vehicle Registration Bureau (of the Office of Motor Vehicles, Department of Public Safety). The cost of the Louisiana license on the vehicle will be credited toward the cost of the proper license.

2. Vehicles domiciled in Louisiana which have improper Louisiana license plates (full or apportioned) or an unlawful Louisiana registration will be issued a notice of violation in accordance with the provisions of this Title.

3. Exception. The driver may deposit improper Louisiana license plates with the enforcement officer instead of having to purchase the proper license and registration immediately. A receipt will be provided which will notify the owner or driver to appear within five days to purchase the proper license or properly register the vehicle or combination of vehicles and to pay any penalty which is due. The receipt will also serve as a temporary license plate for five days. An OMV form 1757 must be presented to the Weights and Standards Office to clear the status of such a violation ticket.

4. If a vehicle is domiciled outside Louisiana, but exceeds its licensed gross weight, the penalty will be \$100.

B. Expired or No License or Registration

1. If a vehicle domiciled in Louisiana is operating with an expired Louisiana license or registration or no Louisiana license or registration, the penalty will be 25 percent of the annual cost of the proper license. The driver will be required to purchase the proper Louisiana license from the Vehicle Registration Bureau (of the Office of Motor Vehicles, Department of Public Safety).

C. No Temporary 48-Hour Trip Permit

1. If a vehicle is operating without a temporary 48-hour trip permit when one is required, \$200 fine shall be assessed and the driver will also be required to purchase a temporary 48-hour trip permit for \$25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), amended LR 48:

§1107. Fuel Tax Violations

A. Penalties will be due immediately upon receipt of the ticket.

B. Vehicles Using Gasoline

1. If the driver of a vehicle which operates on gasoline has a valid fuel invoice, but additional tax is due, no penalty will be assessed. However, the additional tax must be paid.

2. If the driver of a vehicle which operates on gasoline has no fuel invoice or has an improper fuel invoice, a \$50 fine will be assessed-plus the amount of fuel tax assessed.

C. Vehicles Using Special Fuels

1. If the driver of a vehicle which operates on special fuels has a valid special fuels invoice, but additional tax is due, no penalty will be assessed. However, the additional tax must be paid.

2. If the driver of a vehicle which operates on special fuels has no special fuels invoice or has an improper special fuels invoice, the penalty will be \$50 plus the amount of fuel tax assessed (interstate user) \$50 (intrastate user).

3. If a vehicle which operates on special fuels does not have either a working odometer, speedometer, or hub meter, the fine shall be \$50.

4. If a vehicle which operates on special fuels does not have the true owner's name and address or adequate identification on both cab doors, the penalty will be \$50.

5. Vehicles operating with special fuels which have nonworking odometers, speedometers, or hub meters or which do not have the true owner's name and address on both cab doors shall be issued a notice of violation.

D. Vehicles Transporting Bulk Gasoline

1. Vehicles transporting bulk gasoline into or out of Louisiana from or into any state which has a lower tax rate than Louisiana must have an approved route card issued by the Department of Revenue and Taxation.

2. The driver is required to have the card in his possession at all times.

3. The driver must also carry, at all times, one of the following: a bill of lading, a manifest, or a dated invoice indicating:

- a.i. both seller's and purchaser's name and address;
- ii. origin of gasoline being transported;
- iii. destination or destinations of gasoline being transported;
- iv. quantities of each type of gasoline being transported.

b. Exceptions

i. Vehicles belonging to common and contract carriers who are licensed by the Interstate Commerce Commission who are required to file monthly reports under Louisiana law.

ii. Vehicles belonging to farmers who are registered for refunds who move gasoline within the state, in

quantities of 500 gallons or less, from one location to another within the scope of their farming activities.

iii. Vehicles transporting gasoline not for resale and the quantity being transported does not exceed 150 gallons.

iv. Delivery trucks commonly known as bobtails or tank wagons with a total capacity of 2,500 gallons or less when such deliveries originate in Louisiana and have a Louisiana destination.

4. If any person transporting bulk gasoline is traveling on other than the approved route or not carrying the above information as required, the penalty will fine shall be:

- a. \$300 for the first offense;
- b. \$600 for the second offense;
- c. \$1,200-\$2,000 for the third and succeeding offenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights, Measures and Standards, LR 22:120 (February 1996), LR 48:

Chapter 12. Violation Ticket Review Committee

§1201. Composition of Violation Ticket Review

Committee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389 (D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:522 (March 2002), LR 33:863 (May 2007), repealed LR 48:

§1203. Tickets Subject to Review

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389(D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:522 (March 2002), repealed LR 48:

§1205. Time Limitations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389(D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:522 (March 2002), repealed LR 48:

§1207. Duties of the DOTD Weights and Standards

Administrator

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:522 (March 2002), repealed LR 48:

§1209. Authorized Action

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

§1211. Rights of Protesting Party

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

§1213. Prescription

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

§1215. Reconsideration by Violation Ticket Review Committee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

§1216. Consideration by Review Panel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389 (D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), LR 33:863 (May 2007), repealed LR 48:

§1217. Record-Keeping

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389.D.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), repealed LR 48:

Shawn D. Wilson, Ph.D.
Secretary

2207#002

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**Closure of Spring Inshore Shrimp Season
in State Inside Waters**

The secretary of the Department of Wildlife and Fisheries has been notified that the occurrence of small juvenile white shrimp collected in biological samples within inside state waters has rapidly increased. Closing these waters is necessary to protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:953.1 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a declaration of emergency adopted by the Wildlife and Fisheries Commission on May 5, 2022 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2022 spring inshore shrimp season in any portion of Louisiana’s inside waters to protect small white shrimp if biological and technical data indicate the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2022 Louisiana spring inshore shrimp season will close on Thursday, June 30, 2022, at official sunset in all Louisiana inside waters from the Mississippi/Louisiana state line westward to the Louisiana/Texas state line.

The open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2 and all state outside waters seaward of the Inside/Outside Shrimp Line, as described in LAC 76:VII.370 will remain open to shrimping until further notice.

Jack Montoucet
Secretary

2207#003

Rules

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Industrial Hemp (LAC 7:XIII.Chapter 13)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:1461 et seq., the Department of Agriculture and Forestry (“Department”), through the Office of Agricultural and Environmental Sciences, has amended LAC 7:XIII.1303, 1315, 1319, 1321, 1327, 1329, 1332, 1335, 1337, and 1341 of the Industrial Hemp Rules and Regulations. The amendments are being made in accordance with and in relation to: adding additional definitions, clarifying statutory references, adding a USDA form to documentation requirements and notification of analysis release, adding approved varieties and prohibited varieties to approval requirements, adding prohibited variety to prohibitions, adding more categories to production reports, clarifying THC level for negligent violations, adding the USDA platform system for LDAF reporting and clarifying which industrial hemp plants are subject to destruction. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 13. Industrial Hemp

Subchapter A. General Provisions

§1303. Definitions

A. ...

B. The following words and terms shall have the following meanings.

Approved Variety—industrial hemp variety or strain that has been tested a minimum of three years in Louisiana and all official LDAF test results have shown the variety or strain at or below the compliant THC level.

Farm Service Agency (FSA) Lot ID—a unique number generated by the USDA Farm Service Agency consisting of the farm number, tract number, field number, and subfield number. This unique number is generated from the submittal of the FSA 578 Form.

Growing Season—the calendar year in which an industrial hemp crop is produced.

Industrial Hemp Greens—hemp leaves from immature plants germinated from seed in which the plants are no more than ten (10) inches tall and which are also not yet flowering.

Industrial Hemp Microgreens—immature hemp seedlings intended for human consumption that are:

- a. cut off above the soil or substrate;

- b. harvested prior to flowering;
- c. not more than 14 days after germination; and
- d. not taller than 5 inches.

Industrial Hemp Transplants—hemp seedlings, rooted cuttings, or immature plants produced from tissue culture or other means of reproduction, which are not harvested, but transplanted into a larger container or field to allow for maturing and harvesting.

Prohibited Variety—an industrial hemp variety or strain that meets one or more of the following:

- a. ...
- b. an official LDAF sample test result that is greater than 1.0 percent total THC;
- c.

Remediate or Remediation—the process of rendering non-compliant cannabis compliant by removing and destroying, in the presence of and by a method approved by LDAF, all flower material, while retaining stalk, stems, leaf material, and seeds, or by shredding the entire plant into a biomass-like material. All hemp plant material that has undergone remediation shall be sampled and retested for THC compliance.

School—a public or private institution or that portion of a public or private institution which provides teaching for any grade from kindergarten through twelfth grade.

Variety Designation List—a list of industrial hemp varieties published by LDAF that, based on official LDAF test results, designates the varieties in the following categories: not yet tested, non-designated, variety of concern, approved or prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462 and R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:170 (February 2020), LR 47:438 (April 2021), amended LR 47:1833 (December 2021), LR 48:1743 (July 2022).

Subchapter B. Licenses

§1315. Criminal Background Check

NOTE: See §1305.H.1-2 for criminal conviction prohibitions regarding licensure

A. The applicant for each seed producer, grower, processor, or handler license shall undergo and pay for a criminal background check in accordance with La. R.S. 3:1465(D).

B. If the applicant is a business entity, the individual applying for a license, and the designated responsible party shall undergo and pay for a criminal background check.

C. Each individual who is required to undergo and submit a criminal background check shall:

1. submit a criminal background check application to the Louisiana State Police as set forth in R.S. 3:1465(D);

C.2. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:173 (February 2020), LR 47:439 (April 2021), amended LR 47:1835 (December 2021), LR 48:1743 (July 2022).

Subchapter D. Seed Producers and Growers

§1319. Requirements for Seed Producers and Growers

A. - K.3. ...

L. Along with the required planting reports, grower and seed producer licensees shall provide LDAF with the corresponding Farm Service Agency FSA 578 form for each planting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR Title 7, Part XIII 137 Louisiana Administrative Code January 2022 46:173 (February 2020), LR 47:439 (April 2021), amended LR 47:1835 (December 2021), LR 48:1744 (July 2022).

§1321. Seed Acquisition and Approval

A. - G. ...

H. Seed of industrial hemp varieties designated as an *approved variety* shall be exempt from the requirements of Subsection A of this Section.

I. Seed of industrial hemp varieties designated as a *prohibited variety* shall not be acquired, planted, grown, offered for sale, or distributed for planting purposes in Louisiana.

J. Upon request from LDAF, a licensed seed producer shall provide a seed distribution list within 48 hours of the request showing locations where and to whom industrial hemp seed was distributed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431, R.S. 3:1436, R.S. 3:1445, 3:1463, R.S. 3:1464, R.S. 3:1465, and R.S. 3:1466.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:174 (February 2020), LR 47:440 (April 2021), amended LR 47:1836 (December 2021), LR 48:1744 (July 2022).

Subchapter E. Restrictions and Prohibitions

§1327. Prohibitions

A. - A.14. ...

15. sell, offer for sale, expose, distribute, transport or plant industrial hemp seed which has been designated by LDAF as a *prohibited variety*;

16. produce industrial hemp with a total THC concentration level greater than 1.0 percent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464, R.S. 3:1465, R.S. 3:1466, R.S. 3:1467, R.S. 3:1468, R.S. 3:1470, and R.S. 3:1471.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:175 (February 2020), LR 47:440 (April 2021), amended LR 47:1836 (December 2021), LR 48:1744 (July 2022).

Subchapter F. Reporting, Research, and Record-Keeping

§1329. Production Reports

A. - A.1.b. ...

c. total amount of industrial hemp seed sold;

d. total value of industrial hemp seed sold; and

e. current industrial hemp plant parts in storage and location of that storage.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1466.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:175 (February 2020), LR 47:440 (April 2021), LR 48:1744 (July 2022).

§1332. Reporting to USDA

A. LDAF shall submit to USDA a report providing the contact information and the status of the license issued for each grower and seed producer. The report shall be submitted by the first of each month. If the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted through the USDA's online Hemp eManagement Platform (HeMP) system or by any other manner of submission that may be required by USDA. The report shall contain the following information:

A.1. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:176 (February 2020), LR 48:1744 (July 2022).

Subchapter H. Sampling, Testing, Remediation, and Destruction

§1335. THC Sampling and Testing

A. - E.7. ...

8. A notification of analysis for official LDAF collected samples shall not be released until the licensee has submitted a valid FSA 578 form to LDAF for the lot represented by the sample.

9. No industrial plants or plant parts for which a THC analysis is pending shall be transferred, transported, sold, marketed, or otherwise disposed of until approved by LDAF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468. HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:177 (February 2020), LR 47:440 (April 2021), amended LR 47:1838 (December 2021), LR 48:1744 (July 2022).

§1337. Remediation and Destruction

A. All industrial hemp plants or plant parts that are noncompliant with the acceptable industrial hemp THC level shall be remediated or destroyed in compliance with this Chapter. Any industrial hemp plants or plant parts that test greater than 1.0 percent total THC shall be destroyed.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:177 (February 2020), amended LR 47:1839 (December 2021), LR 48:1744 (July 2022).

Subchapter I. Enforcement

§1341. Corrective Action Plan for Negligent Violations and Mandatory Reporting

A. - A.1. ...

2. failing to obtain a seed producer, grower, handler, or processor license from LDAF; or

3. producing industrial hemp exceeding the acceptable hemp THC level. A person that has made reasonable efforts to grow industrial hemp and produces cannabis that does not have a total THC concentration of more than 1.0 percent shall not be deemed to have committed a negligent violation.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:178 (February 2020), amended LR 47:1839 (December 2021), LR 48:1744 (July 2022).

Mike Strain, DVM
Commissioner

2207#018

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Seed Programs—Analysis Test and Labeling of Seed (LAC 7:XIII.131)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:1433 and R.S. 3:1436 the Department of Agriculture and Forestry ("Department") has amended the Rule set forth below. The Rule adds a minimum of eight point type to coated seed labeling requirements instead of requiring that the "ultimate purchaser is able to read the information easily and without strain" which is too vague and leaves room for various interpretations of type size. There is another provision in LAC 7:XIII.131 that requires label information be no smaller than eight point type so this revision makes the minimum label type size consistent. This Rule, once promulgated, will become effective on January 1, 2023. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 1. General Provisions

Subchapter C. Labels; Records; Standards; Noxious Weed Seed

§131. Analysis Test; Labeling of Seed

A. - K.5. ...

L. Coated Seed. Each package of coated seed shall have the following additional information stated on the front of each package using a minimum of eight point type. The following required information shall be set forth in a clear and conspicuous manner:

1. the words "coated seed;"
2. a statement giving the maximum amount of coating material contained within the package;
3. a statement referring purchaser to the product label for additional information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433 and 3:1436.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 16:492 (June 1990), LR 37:270 (January 2011), LR 37:2979 (October 2011), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2705 (October 2013), amended LR 40:746 (April 2014), LR 43:1897 (October 2017), LR 44:1852 (October 2018), LR 48:1745 (July 2022), effective January 1, 2023.

Mike Strain, DVM
Commissioner

2207#017

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices (LAC 28:XI.Chapter 53)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:XI:Subpart 3 in *Bulletin 118—Statewide Assessment Standards and Practices*. The aforementioned revisions are in response to a request by the Board at the October 2019 meeting directing BESE staff to work with the Louisiana Department of Education (LDE) staff to recommend policy revisions to Bulletins allowing for certification notations and/or possible license censure options. Bulletin 118 revisions align test security policy and further clarifies terminology related to assessment proctors, scoring, irregularities, cheating and security violations that may clarify terminology and impact educator credentials. These revisions do not amend any test security process or procedure. The purpose of these changes is to define terminology more specifically. This Rule is hereby adopted on the day of promulgation.

Title 28

Education

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 53. Test Security

§5303. Definitions

[Formerly LAC 28:CXL303]

Access—physically handling secure test materials, including reading, reviewing, or analyzing test items or student responses, either before, during, or after testing, except where providing approved accommodations.

Cheating—a test security violation committed by an educator in order to alter student or school assessment results by inappropriately accessing secure test materials in violation of Bulletin 118, LAC 28:XI. Chapter 53.

Erasure—erasing answers on paper and pencil test, as well as changing answers online.

Secure Materials—test materials that contain test items or student responses and to which access is restricted. Secure test materials include:

1. student test booklets;
2. student answer documents;
3. student log-in information; and
4. any other materials that contain test items or student responses.

Oath of Security—attestation that a test administrator has received required testing procedure training and vows to comply with all policies set forth.

Test Security Violation—actions(s) committed by an educator during the handling or administration of secure materials that compromises the validity of assessment results and may result in voiding test scores.

Testing Irregularity—an error in test handling or administration that compromises reliability regarding the security of the test or the accuracy of the test data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6 et seq., R.S. 416 et seq., and R.S. 441 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 34:65 (January 2008), LR 40:2510 (December 2014), LR 48:1745 (July 2022).

§5305. Test Security Policy **[Formerly LAC 28:CXL305]**

A. The state Board of Elementary and Secondary Education holds the test security policy to be of utmost importance and deems any violation of test security to be serious.

1. - 3.i. ...
 - j. fail to report any testing irregularities to the district test coordinator, who must report such incidents to the LDE;
 - k. participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in the section.

4. - 4.k. ...

5. Procedures for investigating a test security violation or testing irregularity must, at a minimum, include the following.

5.a. - 17....
AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:391.7(C)-(G).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 33:424 (March 2007), LR 33:2033 (October 2007), LR 34:65 (January 2008), LR 34:431 (March 2008), LR 34:1351 (July 2008), LR 35:217 (February 2009), LR 37:858 (March 2011), repromulgated LR 37:1123 (April 2011), amended LR 38:747 (March 2012), LR 39:1018 (April 2013), LR 40:2510 (December 2014), LR 43:634 (April 2017), LR 44:463 (March 2018), LR 44:1857 (October 2018), LR 47:566 (May 2021), LR 48:1746 (July 2022).

§5309. Erasure Analysis and Online Answer Changes **[Formerly LAC 28:CXL309]**

A. - A.5. ...

6. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1530 (July 2005), amended LR 32:234 (February 2006), LR 33:257 (February 2007), LR 35:217 (February 2009), LR 35:443 (March 2009), LR 40:2512 (December 2014), LR 43:634 (April 2017), LR 44:463 (March 2018), LR 44:1857 (October 2018), LR 48:1756 (July 2022).

§5311. Violations of Test Security **[Formerly LAC 28:CXL311]**

A. The test security policy approved by the SBESE requires that the LDE establish procedures to deal with breaches of test security. District authorities provide the LDE information about voiding student tests because of student violations observed during test administration or violations by school personnel or others that are reported. In addition, the scoring process produces information regarding written responses that have common elements, which indicate a student brought unauthorized materials to testing and used them to assist in writing; that indicate that teacher interference might have been a significant factor, and in which troubling content was evident. Procedures for dealing with these issues follow.

1. - 1.d....

2. Violations by School Personnel or Other Persons. All suspected instances of cheating should be reported directly to the school's district test coordinator (DTC) for further investigation, and a report of the incident must be sent by the DTC to LDE. If it is deemed necessary to void tests, the DTC must submit a completed void form to the LDE. The original void verification form along with a written report of the investigation carried out must be mailed to the LDE. Educators determined by the LEA and/or LDE investigation to have participated in cheating may receive certification sanctions as defined in Bulletin 746, Chapter 19.

3. - 3.d.i. ...

4. Disturbing Content. If student responses with disturbing content are discovered during the scoring process, the scoring contractor will notify the appropriate staff member at the LDE, Division of Assessments and Accountability.

a. Professional assessment personnel review the responses. If it is determined that disturbing content causes a compelling need to break confidentiality, LDE will, within five business days, contact the district superintendent to summarize findings and inform the superintendent that materials are being mailed regarding the alert.

b. Issues regarding troubling content are for the district's information to assist the student and do not require further communication with LDE, nor is the notice a violation of test security.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1531 (July 2005), amended LR 33:257 (February 2007), LR 35:217 (February 2009), LR 43:635 (April 2017), LR 44:464 (March 2018), LR 44:1858 (October 2018), LR 48:1756 (July 2022).

§5312. Testing Irregularities
[Formerly LAC 28:CXI.312]

A. - F.3. ...

G. Student actions including but not limited to inappropriate access, test material damage or destruction, or failure to follow testing protocol, may result in a testing irregularity and be reported as outlined in this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 32:390 (March 2006), amended LR 33:257 (February 2007), LR 34:66 (January 2008), LR 34:1351 (July 2008), LR 35:218 (February 2009), LR 36:967 (May 2010), LR 38:33 (January 2012), amended LR 38:748 (March 2012), LR 38:2358 (September 2012), LR 40:2512 (December 2014), LR 44:464 (March 2018), LR 48:1747 (July 2022).

Shan N. Davis
Executive Director

2207#042

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28:CXV.509 and 2307)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy and would revise the annual literacy assessment and require successful completion of approved foundational literacy skills courses for educators. Further, the revisions require scientific, research-based interventions during school hours for students measured at below grade level on the annual literacy assessment as well as development of a foundational literacy skills plan for students in kindergarten through third grade. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§509. Completion of Approved Foundational Literacy Skills Course

A. The LDE shall develop a list of approved professional development courses designed for educators that provide foundational literacy skills instruction based on the science of reading and include information on instructing students

regarding phonemic awareness, phonics, fluency, vocabulary, and comprehension.

1. Not later than the beginning of the 2023-2024 school year, each teacher and administrator must successfully complete at least one approved professional development course and provide documentation of successful completion of the course to the employing school. A teacher or administrator who provides documentation of completion of an approved professional development program within the five years prior to 2023 shall be considered in compliance with the provisions of this Paragraph.

a. For the purposes of this Section, *teacher* means kindergarten through third grade teacher who teaches reading, math, science, or social studies.

b. For the purposes of this Section, *administrator* means a principal or assistant principal of a school that includes kindergarten through third grade.

2. Any teacher or administrator hired after August 1, 2023, must provide documentation to the employing school of successful completion of an approved professional development course within two years of the date of employment.

3. Beginning May 1, 2022, and annually thereafter, each LEA shall report to the department the number and percentage of teachers and administrators who have successfully completed an approved professional development course. Reported data shall be included in LDE school progress profiles.

4. Waivers to use professional development courses that have not been included in the department list of approved professional development courses must be submitted in writing to the LDE and are subject to approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S.17:24.10; and R.S. 17:24.12.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR: 48:1747 (July 2022).

Chapter 23. Curriculum and Instruction
Subchapter A. Standards and Curricula
§2307. Literacy Assessment

A. Each LEA shall require that every child enrolled in kindergarten-third grade be given the BESE-approved literacy assessment within the first 30 days of the school year. The results of this assessment shall be used to plan instruction and provide appropriate and timely intervention. The results of the assessment will also provide information required by R.S. 17:24.9, student reading skills; requirements; reports.

1. Each student administered a literacy assessment will be identified as reading below, at, or above grade level. Students scoring above grade level may be considered for evaluation into a gifted program.

2. For students with significant hearing or visual impairment, nonverbal students, or students with significant cognitive impairment, the LEA will provide an alternate assessment recommended by the LDE.

3. Each LEA will report to the LDE assessment results by child within the timeframes and according to the guidance established by the LDE.

4. For grades 1-3, the school should use the prior year's latest assessment level to begin appropriate intervention until the new assessment level is determined.

5. Any student scoring below grade level in reading based upon assessment and/or progress monitoring must be provided scientific, research-based reading intervention upon identification. The reading intervention shall do all of the following:

a. provide explicit, direct instruction that is systematic, sequential, and cumulative in language development, phonological awareness, phonics, fluency, vocabulary, and comprehension, as applicable;

b. provide targeted small group reading interventions based on student need in phonological awareness, phonics including decoding and encoding, vocabulary, or comprehension; and

c. be implemented during regular school hours.

B. Each LEA shall administer the literacy assessment provided by the LDE for each grade level to meet kindergarten-third grade literacy assessment requirements.

C. Beginning June 1, 2023, and triennially thereafter, each school shall use data from the literacy assessment in order to develop and submit to LDE the school foundational literacy plan for students in kindergarten through third grade pursuant to R.S. 17:24.9.

1. Each foundational literacy skills plan shall include:

a. the amount of time to be devoted daily to foundational literacy skills and a description of how the instructional time will be utilized;

b. a list of English language arts textbooks and instructional materials adopted by the school;

c. a description of the interventions and supports available to students identified as having literacy skills below grade level; and

d. a description of the professional development in foundational literacy skills instruction provided to teachers who teach kindergarten through third grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S.17:24.4; R.S. 17:24.9; and R.S.17:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005), amended LR 38:1224 (May 2012), LR 39:2214 (August 2013), LR 42:1878 (November 2016), LR 45:36 (January 2019), LR: 48:1747 (July 2022).

Shan N. Davis
Executive Director

2207#041

RULE

Board of Elementary and Secondary Education

Bulletin 745—Louisiana Teaching Authorizations of School Personnel (LAC 28:CLXXII.Chapter 1)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has re-established *Louisiana Teaching Authorizations of School Personnel*. The repeal removes repetitive language and re-establishes the Teaching Authorization requirement as a section in LAC 28:CXXXI, *Bulletin 746—Louisiana*

Standards for State Certification of School Personnel. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CLXXII. Bulletin 745—Louisiana Teaching Authorizations of School Personnel

§101. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), repealed LR 48:1748 (July 2022).

§103. Teaching Authorizations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), amended LR 45:900 (July 2019), repealed LR 48:1748 (July 2022).

§104. Issuance of a Denied Teaching Authorization

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:901 (July 2019), repealed LR 48:1748 (July 2022).

§105. Suspension and Revocation of Teaching Authorizations for Criminal Offenses

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:39 (January 2019), repealed LR 48:1748 (July 2022).

§107. Suspension and Revocation of Teaching Authorizations Due to Participation in Cheating

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:40 (January 2019), repealed LR 48:1748 (July 2022).

§109. Suspension and Revocation of Teaching Authorizations due to Fraudulent Documentation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), repealed LR 48:1748 (July 2022).

§111. Reinstatement of Teaching Authorizations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), amended LR 45:901 (July 2019), repealed LR 48:1749 (July 2022).

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Executive Director

2207#040

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.Chapters 5, 9, and 19)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The aforementioned revisions are in response to a request by the board at the October 2019 meeting directing BESE staff to work with the Louisiana Department of Education (LDE) staff to recommend policy revisions to bulletins allowing for certification notations and/or possible license censure options. The repeal and re-establishment of Chapters 1 through 8 and Chapters 10 through 13 of Bulletin 746 were approved by BESE at the August 2021 Board meeting and will become rule on March 20, 2022. The revisions repeal Chapter 9 and re-establish the policy as Chapter 19 in the newly re-established Bulletin 746. BESE policy requires sanctions on an educator credential for certain criminal offenses, submission of fraudulent documentation, professional license censure, participation in cheating, and/or failure to meet the standards of effectiveness. Further, the updates clarify definitions, convictions or offenses considered, and sanctions that can be imposed upon educator credentials, and updates and aligns the three bulletins regarding actions and the issuance and sanction of Louisiana educator credentials. Additionally, language from *Bulletin 745—Louisiana Teaching Authorizations of School Personnel*, which was approved for repeal at the March 2022 BESE meeting, is re-established as a section in Bulletin 746. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Chapter 5. Teaching Credential, Licenses and Certifications

Subchapter B. Nonstandard Teaching Credentials

§525. Introduction

A.1. There are six types of nonstandard teaching credentials issued in Louisiana:

- a. temporary authority to teach (TAT);
- b. out-of-field authorization to teach (OFAT);
- c. temporary employment permit (TEP);

- d. nonpublic temporary certificate (T);
- e. resident teacher certificate (R); and
- f. teaching authorization (TA).

2. Nonstandard credentials are of a temporary nature but may be renewed under specified guidelines.

B. A teaching authorization (TA) is a nonstandard credential that only indicates a cleared background check. It is not the equivalent of a teaching certificate and does not substantiate the enrollment in or completion of an educator preparation program.

C. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of the exception being granted. The final authority for approval and policy flexibility is at the discretion of the LDE in accordance with BESE policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), LR 43:1311 (July 2017), LR 48:1749 (July 2022).

§536. Teaching Authorizations

A. In accordance with Act 634 of the 2018 Regular Legislative Session, and effective July 1, 2018, a teaching authorization (TA) shall be required for individuals seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

B. A TA will be issued, sanctioned, or reinstated in accordance with policy outlined in this bulletin, LAC 28:CXXXI.Chapter 19.

C. Eligibility Guideline. The applicant is seeking employment in a Louisiana public or nonpublic school in a role in which a Louisiana teaching certificate is not required.

D. A request for a TA must be submitted directly to the LDE by the employing school governing authority where the individual is seeking employment.

E. A TA is valid only for the period for which the individual is employed by the employing school governing authority that submits the initial TA request.

F. An individual that changes employing school systems must be issued a new TA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S.17:10, R.S. 17:22(6), and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1749 (July 2022).

§901. Overview

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 38:3140 (December 2012), LR 44:264 (February 2018), LR 45:1056 (August 2019), repealed LR 48:1749 (July 2022).

§903. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1056 (August 2019), repealed LR 48:1749 (July 2022).

§904. Criminal History Reporting [Formerly §903.B-C]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, 17:6, and 17:15.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1056 (August 2019), LR 45:1750 (December 2019), repealed LR 48:1750 (July 2022).

§905. Denial of Initial or Renewal Certificates

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 44:266 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1057 (August 2019), repealed LR 48:1750 (July 2022).

§906. Issuance of a Denied Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:1999 (September 2010), amended LR 38:763 (March 2012), LR 44:266 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), repromulgated LR 45:234 (February 2019), LR 45:1057 (August 2019), repealed LR 48:1750 (July 2022).

§907. Suspension and Revocation of Certificates for Criminal Offenses

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 44:266 (February 2018), LR 45:1058 (August 2019), repealed LR 48:1750 (July 2022).

§908. Suspension and Revocation of Certificate/Endorsement Due to Participation in Cheating

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3140 (December 2012), amended LR 44:267 (February 2018), LR 45:1058 (August 2019), repealed LR 48:1750 (July 2022).

§909. Suspension and Revocation of Certificates due to Fraudulent Documentation Pertaining to Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 38:764 (March 2012), LR 44:267 (February 2018), LR 45:1059 (August 2019), repealed LR 48:1750 (July 2022).

§910. Suspension and Revocation of Certificates due to Professional License/Certificate Censure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2003 (November 2018), amended LR 45:1059 (August 2019), repealed LR 48:1750 (July 2022).

§911. Issuance or Renewal of Certificates—Standards for Effectiveness

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), R.S. 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1059 (August 2019), repealed LR 48:1750 (July 2022).

§913. Reinstatement of Suspended or Revoked Certificates [Formerly §911]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 17:411, and 42:17.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 34:2560 (December 2008), LR 36:1999 (September 2010), LR 38:764 (March 2012), LR 44:268 (February 2018), LR 44:2003 (November 2018), LR 44:2133 (December 2018), LR 45:1060 (August 2019), repealed LR 48:1750 (July 2022).

Chapter 19. Actions Related to the Suspension/Denial and Revocation of Louisiana Certificates

§1901. Overview

A. Educator credentials can be sanctioned for a conviction of certain criminal offenses, for the submission of fraudulent documentation, for professional license censure, for failure to meet the standards for effectiveness, or for participation in cheating. This chapter presents the circumstances that result in sanction plus the criteria under which reinstatement or issuance may be obtained. Conditions and mandates for issuance and sanction outlined in this chapter will be the same for all educator credentials issued by the Louisiana Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022).

§1903. Definitions

Applicant—any person applying for a Louisiana Department of Education issued educator credential.

Board or BESE—the Board of Elementary and Secondary Education as a whole and/or any of its standing committees.

Cheating—as determined by the LDE in accordance with LAC 28:XI, Bulletin 118—*Statewide Assessment Standards and Practices*, a testing irregularity and/or test security violation committed by an educator in order to alter

student or school assessment results in violation of Bulletin 118, LAC 28:XI.Chapter 53. The determination is made by the LDE in consultation with the LEA.

Credential—documentation issued by the LDE to validate educator qualifications including but not limited to certification, authorization, permit, or license.

Convicted or Conviction—any proceedings in which the accused person pleads guilty or no contest, and those proceedings that are tried and result in a judgment of guilty. Convictions also include matters that have been granted expungement and/or deferred disposition under Louisiana CCP Article 893 or 894.

Department or LDE—the Louisiana Department of Education.

Educator—a teacher, substitute teacher, or administrator of a public or nonpublic elementary or secondary school or school system.

Fraudulent Document—any paper, instrument, or other form of written or electronic text that is false, altered, or counterfeit, and that is used as a subterfuge or device to induce the issuance or reinstatement of an educator credential.

LEA—Local Education Agency.

Offense or Crime—those listed in R.S. 15:587.1(C) and any felony offense whatsoever.

Records Review—official board procedure for consideration of an educator appeal regarding credential issuance, reinstatement, or sanction.

Sanction—action or censure imposed upon educator credentials by the LDE and/or BESE including but not limited to denial, suspension, revocation, reprimand, investigation, or monitor.

Teaching Authorization (TA)—as defined in section 536 of this part, a TA is required for individuals seeking employment as an administrator, teacher, or substitute teacher in any public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022).

§1905. Sanction of Educator Credentials

A. Denial. An application to the LDE for initial, update, or renewal of educator credentials will be rejected in accordance with the restrictions defined in this chapter.

B. Suspension. An educator credential can be inactivated for a prescribed period of time, indefinitely, or pending further action by the board. During a period of suspension, the credential may not be updated or renewed. Expired credentials will be processed relative to future eligibility.

C. Revocation. An educator credential has been voided by board consideration and motion as mandated in statute or policy.

D. Reprimand. Formal warning noted on educator credential history.

E. Monitor. For test security violations regarding cheating, an educator will not be issued a test code and may not administer state assessments for a prescribed period of time from one to five years.

F. Sanctions, including application denial, placed upon educator credentials will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE, and written notification will be forwarded to the applicant, educator, local education agency, and/or BESE, as applicable.

G. Notification. Written and/or electronic communication sent upon determination of any action or sanction applied to educator credentials.

1. Written documentation will be forwarded via postal service to the last known address on file for the educator.

2. Written and/or electronic documentation will also be forwarded to any employing agency or institution that has submitted documentation as part of the application or credentialing process.

3. An educator will have 10 days to provide proof of mistaken identity or misinformation prior to official action.

H. Denials due to failure to meet the standards for effectiveness will not be reported to NASDTEC.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1751 (July 2022).

§1907. Reporting Requirements

A. An LEA must notify the LDE upon the termination, resignation, or resignation in lieu of termination of an employee who holds a Louisiana educator credential within ten days of separation of service when the action results from:

1. arrest, criminal investigation, or conviction for an offense outlined in R.S. 15:587.1 or for any felony whatsoever;

2. LEA investigation for professional misconduct involving inappropriate behavior and/or communication with a student;

3. non-sex related acts or crimes committed against a child;

4. sexual misconduct that did not result in a criminal investigation; or

5. investigation and report of test irregularity and test security violation regarding cheating.

B. Upon receipt of LEA notification, the department will provide written notice to the educator who will have 10 days to submit verification of mistaken identity or to refute the violation.

C. Information provided to the LDE or BESE via an unsolicited source may be verified and appropriate sanctions imposed. The educator will have 10 days to provide proof of mistaken identity or misinformation prior to official action.

D. If a conviction or information upon which a credential was sanctioned is reversed or overturned on appeal, documentation may be provided to the LDE and/or board for consideration.

E. The educator must provide the department and the board with any documentation that will refute the findings of the LDE or BESE review process or action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1751 (July 2022).

§1909. Criminal History Reporting

A. An existing Louisiana educator credential, even if expired, or an application for an initial educator credential shall be subject to sanction due to information contained in state and federal criminal history reporting information or other verifying documentation submitted. Criminal conviction or plea of *nolo contendere*, even if adjudication is withheld, will be considered for the purpose of credentials issued by the LDE and may be used to determine eligibility to hold such.

B. Court dispositions that are set aside pursuant to Articles 893 or 894 of the *Louisiana Code of Criminal Procedure*, expunged, or which are pardoned subject to Louisiana pardon laws, including first offenders pardon, will be treated as convictions for the purpose of sanction.

C. Offenses committed in a jurisdiction other than Louisiana which, in the judgement of the bureau charged with responsibility for responding to the request, would constitute a crime under the provisions cited this Section and provisions listed under the federal criminal code having analogous elements of criminal and moral turpitude, will be considered for purposes of educator credentials. Federal criminal code provisions are located in title 18 of the U.S.C.A., *Crimes and Criminal Procedure*.

D. Sanction regarding a Louisiana educator credential shall apply for the following:

1. any felony conviction; and
2. any misdemeanor or felony conviction for an offense listed in R.S. 15:587.1.

E. Misdemeanor and felony criminal convictions for an offense listed in R.S. 15:587.1, except as noted in statute and policy, shall be referenced as prohibited convictions for which denial, suspension, and/or revocation is mandated and issuance or reinstatement shall never be considered.

Prohibited Criminal Offenses	
R.S. 14:81	Indecent Behavior with a Juvenile
R.S. 14:81.1	Pornography Involving Juveniles
R.S. 14:81.2	Molestation of a Juvenile or a Person with a Physical or Mental Disability
R.S. 14:81.3	Computer-aided Solicitation of a Minor
R.S. 14:81.4	Prohibited Sexual Conduct between Educator and Student
R.S. 14:82	Prostitution
R.S. 14:82.1	Prostitution; Persons under 17; Additional Offenses
R.S. 14:82.1.1	Sexting
R.S. 14:82.2	Purchase of Commercial Sexual Activity
R.S. 14:83	Soliciting for Prostitutes
R.S. 14:83.1	Inciting Prostitution
R.S. 14:83.2	Promoting Prostitution
R.S. 14:83.3	Prostitution by Massage
R.S. 14:83.4	Massage; sexual Content Prohibited
R.S. 14:84	Pandering
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:86	Enticing Persons into Prostitution
R.S. 14:89	Crime Against Nature
R.S. 14:89.1	Aggravated Crime against Nature
R.S. 14:89.2	Crime against Nature by Solicitation
R.S. 14:92	Contributing to the Delinquency of Juveniles
R.S. 14:93	Cruelty to Juveniles
R.S. 14:93.2.1	Child Desertion
R.S. 14:93.3	Cruelty to the Infirm
R.S. 14:93.5	Sexual Battery of Persons with Infirmities
R.S. 14:106	Obscenity
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283	Video Voyeurism
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 14:286	Sale of Minor Children
R.S. 15:541	Sex Offenses

F. The statutory exception for misdemeanor and felony convictions provided in R.S. 15:587.1 which are not prohibited convictions and may permit consideration for educator credential eligibility are as follows.

Prohibited Criminal Offenses	
R.S. 14:2(B)	Crimes of Violence
R.S. 14:30	First Degree Murder
R.S. 14:30.1	Second Degree Murder
R.S. 14:31	Manslaughter
R.S. 14:32.6	First Degree Feticide
R.S. 14:32.7	Second Degree Feticide
R.S. 14:32.8	Third Degree Feticide
R.S. 14:41	Rape
R.S. 14:42	1st Degree Rape
R.S. 14:42.1	2nd Degree Rape
R.S. 14:43	3rd Degree Rape
R.S. 14:43.1	Sexual battery
R.S. 14:43.1.1	Misdemeanor Sexual Battery
R.S. 14:43.2	2nd degree Sexual Battery
R.S. 14:43.3	Oral Sexual Battery
R.S. 14:43.4	Female Genital Mutilation
R.S. 14:43.5	Intentional Exposure to the AIDS Virus
R.S. 14:44	Aggravated Kidnapping
R.S. 14:44.1	Second Degree Kidnapping
R.S. 14:44.2	Aggravated Kidnapping of a Child
R.S. 14:45	Simple Kidnapping
R.S. 14:46.2	Human Trafficking
R.S. 14:46.3	Trafficking of Children for Sexual Purposes
R.S. 14:46.4	Rehoming of a Child
R.S. 14:74	Criminal Neglect of Family
R.S. 14:79.1	Criminal Abandonment
R.S. 14:80	Felony Carnal Knowledge of a Juvenile
R.S. 14:80.1	Misdemeanor Carnal Knowledge of a Juvenile

Criminal Offenses	
R.S. 40:966(A)	Penalty for Distribution or Possession with intent to Distribute Narcotic Drugs Listed in Schedule I; Manufacture; Distribution
R.S. 40:967(A)	Prohibited Acts; Schedule II, Penalties; Manufacture; Distribution
R.S. 40:968(A)	Prohibited Acts; Schedule III; Penalties; Manufacture; Distribution
R.S. 40:969(A)	Prohibited Acts; Schedule IV; Penalties; Manufacture; Distribution
R.S. 40:970(A)	Prohibited Acts; Schedule V; Penalties; Manufacture; Distribution

G. Credential sanction is mandated; however, issuance or reinstatement may be considered, where otherwise not prohibited by law, for a person who was employed as a school administrator, teacher, or substitute teacher and whose final conviction or plea of *nolo contendere* to any misdemeanor or felony offense provided in the following table occurred on or before August 1, 2019.

Criminal Offenses	
R.S. 14:2(B)	Crimes of Violence
R.S. 14:74	Criminal Neglect of Family
R.S. 14:79.1	Criminal Abandonment

Criminal Offenses	
R.S. 14:81.1.1	Sexting
R.S. 14:82.2	Purchase of Commercial Sexual Activity
R.S. 14:83	Soliciting for Prostitutes
R.S. 14:83.1	Inciting Prostitution
R.S. 14:83.2	Promoting Prostitution
R.S. 14:83.3	Prostitution by Massage
R.S. 14:83.4	Massage; sexual Content Prohibited
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:89.2	Crime against Nature by Solicitation
R.S. 14:93.2.1	Child Desertion
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 15:541	Sex Offenses

H. Records review eligibility requirements:

1. five years have passed from the date of entry of the final disposition or conviction;
2. a Louisiana and FBI criminal history background check from the Louisiana State Police is clean and clear and indicates no additional convictions, warrants, or pending charges; and
3. conditions and requirements of sentencing, including but not limited to probation or parole, have been successfully completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, 17:6, 17:7, and 17:15.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1752 (July 2022).

§1911. Submission of Fraudulent Documents

A. A Louisiana teaching credential will be denied or if currently issued will be suspended and voided if an educator presents fraudulent documentation pertaining to the credential to BESE or the LDE.

B. The department will verify prior to determining that an educator has submitted fraudulent documentation pertaining to credentialing. Upon confirmation of the information, the LDE will deny or suspend the credential pending official board action per sanction proceedings.

C. The board will make a determination based upon documentation received from the LDE and the educator regarding sanctions applicable to the educator credential.

D. Records review eligibility requirements:

1. five years have passed since the date of sanction or initial submission of fraudulent documents;
2. the educator has met all credentialing criteria as verified by the LDE; and
3. the applicant must submit credential application and official copies of relevant supporting documentation in accordance with application procedures and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022).

§1913. Professional License Censure

A. Censure of a professional license includes, but is not limited to formal or documented denial, suspension, revocation, reprimand, or investigation.

B. An initial application for a Louisiana educator credential will be denied if the educator is found to have had

a professional credential related to the area of issuance censured by the issuing agency.

C. An existing credential, even if expired, for which license censure has been reported and verified will be suspended by the LDE and referred to BESE for review.

D. The LDE will verify prior to determining that an educator has had professional credential censured. Upon confirmation of the information, the department will notify the educator that the credential is pending official board action per revocation proceedings.

E. Records review eligibility requirements may include:

1. complete the terms and conditions of censure;
2. attain eligibility for or reinstatement of censured licensure; and
3. comply with criminal background check provisions where censure was due to potential criminal actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022).

§1915. Standards for Effectiveness

A. A Louisiana educator credential shall be issued or renewed in accordance with LAC 28:CXLVII (Bulletin 130), R.S. 17:3886, and R.S. 17:3902 upon demonstration that the standards for effectiveness, as determined by the board, have been met for three years during the initial or renewal validity period of the credential.

B. A Louisiana educator credential will not be issued or renewed if the educator records demonstrate that the standards for effectiveness, as determined by the board, have not been met for three years during the validity period of the certificate unless evidence of effectiveness is received from the LEA, through a records review request, that justifies the issuance or reinstatement of a credential.

C. The local governing authority may submit records review request and supporting documentation, justifying the issuance or renewal of a credential, on behalf of an educator who has failed to meet the standards for effectiveness in accordance with LAC 28:CXLVII, *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*.

D. Records review documentation requirements:

1. evaluation tool used to determine effectiveness or lack thereof;
2. LDE evaluation report for each year of the validity period of credential;
3. intensive assistance plan and supporting documentation; and
4. LEA and applicant letters requesting a records review and clarifying factors for consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022).

§1917. Test Irregularities and Test Security Violations

A. A Louisiana educator credential may be sanctioned if the educator holding the credential has been found by the LDE or other governing authority to have participated in cheating as defined in §1903 of this Chapter.

B. When the LDE has determined an educator has been found to have participated in cheating, the following process will take place.

1. Department staff will attempt to contact and inform the educator that the LDE has information regarding participation in cheating and is proceeding under this section to sanction the credential.

2. The educator will be notified that the certificate may be sanctioned unless the educator can provide documentation to refute having been found to have participated in cheating. This opportunity for response is intended as a check against mistaken identity or other incorrect information.

3. The educator will have 10 days to respond to LDE communication, after which sanction of the credential will proceed, as will all other steps in accordance with this Section.

4. If the department determines that an educator was found to have participated in cheating, the credential will be considered for sanction by BESE. The educator and employing school system, if applicable, will be notified that the teacher or administrator credential is pending official board action in accordance with sanction proceedings.

5. If the department subsequently determines that the educator did not participate in cheating, such action will be communicated to the board through documentation provided by the department. The board may receive such information and may order reinstatement of the certificate.

6. Individuals who do not hold a Louisiana educator credential and have been found to have participated in cheating in the administration of standardized tests, will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified in accordance with this Section.

7. If the investigation concludes no findings of participating in cheating and the board has taken no formal action to sanction the educator credential, the department is authorized to cease sanction proceedings.

C. Upon determination of a test irregularity and test security violation of cheating reported by an LEA, the following documentation will be presented to BESE for consideration of educator credential sanction:

1. LEA documentation:

- a. proof of test administration professional development/training;
- b. signed and dated oath of security;
- c. district testing coordinator investigation report and plan submitted to LDE within 30 days of incident;
- d. void form (if applicable); and
- e. status of employment or disciplinary action.

2. LDE documentation:

- a. LDE investigation summary;
- b. LDE written letter to educator; and
- c. educator response, or lack thereof, to determination of cheating.

D. Upon determination of a test security violation of cheating discovered during the scoring process, the following information will be presented to BESE for consideration of educator credential sanction:

1. LDE documentation:

a. scoring contractor notice to LDE and summary of findings;

b. summary report of review of suspected documents resulting in voided test items or scores; and

c. written notice to LEA superintendent, district testing coordinator, and educator of results;

2. LEA documentation:

a. proof of test administration professional development/training;

b. signed and dated oath of security; and

c. educator response, or lack thereof, to determination of cheating.

E. Educator credential sanctions that may be imposed by BESE include:

1. *reprimand*—formal warning noted on educator credential history;

2. *monitored*—educator will not be issued test code and may not administer state assessments for a prescribed period of time from one to five years, but credential is otherwise valid as issued;

3. suspension of credential for a prescribed period of time from one to five years; and

4. revocation of credential with consideration for records review after five years.

F. Educators whose professional records from another state include findings of cheating may be processed and sanctioned in accordance with this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022).

§1919. Records Review for Appeal of Sanction

A. The board will consider an eligible request for a records review and documentation provided. The board is not required to conduct an issuance or reinstatement records review and may summarily deny a request.

B. If the board or designee decides to conduct a records review, board staff will notify the applicant of a date, time, and place when a committee of the board will consider the applicant's request. Only the written documentation provided prior to the records review will be considered. In all cases, appellants are encouraged to submit letters of recommendation from past/present employers, educator and professional references, and community leaders that evidence the character, ethics, rehabilitation, and accomplishments of the educator.

C. Submission of specific documentation is required and will be determined by the prior action or violation for which the records review is requested. BESE staff will communicate timelines and documentation requirements to appellants upon request.

D. The board reserves the right to accept or reject any document as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible for issuance or reinstatement of an educator credential.

E. In accordance with R.S. 42:17(A)(1), the board may meet in executive session for discussion of the character, professional competence, or physical or mental health of a person.

F. The board may deny any request for issuance by any applicant who:

1. failed to disclose prior criminal convictions or expungements;
2. falsified academic records or application documents;
3. has been found to have participated in cheating in the administration of standardized tests;
4. received further criminal arrests or convictions; or
5. failed to meet the standards for effectiveness outlined in LAC 28:CXLVII, Bulletin 130.

G. The committee of the board will make a recommendation to the full board regarding whether the credential should be sanctioned, issued, reinstated, suspended for an additional period of time, revoked, or other action as determined in this Chapter.

H. The action of the board is a final decision and can only be appealed to a court of proper jurisdiction in accordance with law.

I. Provisional Approval. Educator credential may be reinstated or issued provisionally for a period of 90 days and pending ratification by BESE via a records review process and contingent upon certain criteria.

1. In criminal cases, the felony conviction occurred more than 10 year prior with no additional convictions or repeat offenses, and the conviction does not involve violence, sex, children, or any crime outlined in R.S. 15:587.1.

2. In license censure cases, the censure determination was based upon criteria that would not invalidate a Louisiana educator credential, nor does the censure involve violence, sex, children, or any crime outlined in R.S. 15:587.1.

J. An educator meeting criteria for provisional approval will be issued a Louisiana educator credential, appropriate to the qualifications of the educator, and valid for a period of 90 days. The provisional approval is subject to ratification by the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, additional sanctions may be enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1754 (July 2022).

Shan N. Davis
Executive Director

2207#038

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—General Teacher Competencies
(LAC 28:CXXXI.Chapter 3)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The

forementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy. The revisions will update teacher preparation competencies to align and reinforce the requirements in R.S.17:24.9 in order to design and implement an integrated and comprehensive curriculum that develops teacher candidates' understanding of content, including phonemic awareness, phonics, fluency, vocabulary, and comprehension. Educators are required to design evidence-based content and pedagogical knowledge in reading to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia. Also required is implementation of behavior management and trauma-informed principles and practices for the classroom, as well as other developmentally-appropriate practices for the classroom to ensure that students can effectively access literacy instruction. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Subchapter C. General Teacher Competencies §309. General Competencies

A. - E. ...

F. The teacher candidate differentiates instruction, behavior management techniques, and the learning environment in response to individual student differences in cognitive, socio-emotional, language, and physical development, incorporating trauma-informed principles.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:24.9, R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017), LR: 48:1755 (July 2022).

Subchapter E. English Language Arts and Literacy Teacher Competencies §323. Content Knowledge Competencies

A. - B.6. ...

C. The teacher candidate demonstrates understanding of the stages of language, reading, and writing development.

1. The teacher candidate explains the progression, connection, and reciprocal relationships among the major components of early literacy development, including the typical and atypical development of skills in the areas of language, phonological processing, vocabulary, morphology, orthography, semantics, syntax, and discourse; reading, print awareness, decoding, fluency, and comprehension; and spelling and writing development including pre-literate, early emergent, emergent, transitional, and conventional.

2. The teacher candidate defines, explains, produces, and classifies the basic phonetic structure and orthographic rules and patterns of the English language, including but not limited to phonemes, graphemes, digraphs, blends, r-controlled vowels, hard and soft consonants, and explains the relation to the progression of reading and writing development.

3. The teacher candidate identifies, explains, and categorizes the six basic syllable types in English spelling and explains principles of teaching word identification and spelling, giving examples illustrating each principle.

C.4. - C.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:24.9, R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), LR: 48:1755 (July 2022).

§325. English Language Arts Content Pedagogy Competencies

A. - B.3. ...

4. The teacher candidate fluently applies principles of explicit and direct teaching: modeling, leading, giving, guided practice, and reviewing.

5. The teacher candidate implements multisensory and multimodal techniques to enhance instruction.

6. The teacher candidate designs and teaches routines to support a complete lesson format, from the introduction of a word recognition concept to fluent application in meaningful reading and writing.

C. - C.7. ...

8. The teacher candidate designs and implements research-based adaptations of instruction for students with advanced literacy skills and for students with weaknesses in working memory, attention, executive function, or processing speed.

D. - D.6....

7. The teacher candidate understands and explains types of assessments specific to early literacy skills, along with their purposes, strengths, and limitations, as well as national norms associated with literacy skills.

8. The teacher candidate administers and interprets both print and electronic early literacy assessment for purposes including but not limited to formative or summative assessment, diagnostic purposes, and progress monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S.17:24.9, R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1299 (July 2017), LR: 48:1756 (July 2022).

Shan N. Davis
Executive Director

2207#039

RULE

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs—Monitoring (LAC 28:XLV.401, 403, and 405)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XLV in *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The aforementioned revisions are in response to recommendations made by the Teacher Preparation Quality Rating workgroup and approved by the board at the March 2022 meeting. The revisions align program review cycles and accountability cycles to shift all programs to a four-year

accountability cycle, allowing for more effective progress monitoring and implementation of recommendations for improvement. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 4. Teacher and Leader Preparation Program Accountability, Renewal, and Approval

§401. Ongoing Approval of Teacher and Leader Preparation Programs [Formerly §1101]

A. - B. ...

C. Renewal decisions shall be made every two years during the first accountability cycle and shall be based on the quality rating produced biannually. Each teacher preparation provider shall move to a four year accountability cycle for each pathway at the conclusion of the first accountability cycle.

D. Teacher preparation providers that do not maintain a quality rating of level 3 or above on the Louisiana teacher preparation quality rating system and as reported in the biennial quality rating shall:

1. undergo a progress monitoring period during which the provider develops an improvement plan that includes specific improvement goals, timelines, and measures of success for particular pathway(s) or program(s). The improvement plan shall be approved by BESE. Once approved, the provider shall submit progress reports to BESE as established in the approved plan;

2. BESE shall review data outlined in the improvement plan and the Louisiana teacher preparation quality rating system to inform required interventions, which shall include, but are not limited to, one or more of the following:

a. require the provider to enact certain improvement recommendations for one or more pathways or programs;

b. designate program(s) as low performing and at risk of low performance per the federal Higher Education Act;

c. limit or discontinue enrollment for one or more pathways or programs;

d. discontinue the provider's ability to recommend teacher candidates for certification in one or more pathways or programs;

e. require the provider to engage in additional on-site reviews during the four year accountability cycle for one or more pathways.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:754 (April 2010), amended LR 37:565 (February 2011), LR 43:2488 (December 2017), LR 45:229 (February 2019), LR 48:1756 (July 2022).

§403. Teacher Preparation Quality Rating System Participation and Performance Profile Implementation Timeline

A. - G. ...

H. Beginning winter 2020-2021, the LDE will annually produce and make publicly available on its website a

performance profile for each approved preparation provider. LDE will biennially produce and make publicly available on its website a quality rating for each approved preparation provider. The quality rating will not be used to make judgments about renewal of preparation program approval until winter 2024-2025.

I. Beginning with ratings assigned in winter 2022-2023, Louisiana teacher preparation quality rating system results will serve as the basis for preparation program renewal. The renewal cycle will be two years, and the accountability cycle will be four years for each pathway.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2488 (December 2017), amended LR 45:1061 (August 2019), LR 48:1756 (July 2022).

§405. Louisiana Teacher Preparation Quality Rating System

A. - A.3.a. ...

* * *

B. The Louisiana teacher preparation quality rating system shall include but not be limited to the following domains:

1. preparation program experience, as measured by on-site reviews of each teacher preparation provider. The on-site review shall be conducted at the provider level and shall result in one rating for each pathway. The on-site review shall also include reporting at the program level, when appropriate. An on-site review shall be conducted once per accountability cycle. Each provider shall participate in a four-year accountability cycle, and each provider shall engage in an on-site review once during the four-year cycle. Providers that do not maintain a level 3 or higher as reported on the next performance profile may be required to complete additional on-site reviews and progress monitoring as determined by BESE. The biennial quality rating shall reflect the most recently issued on-site review rating. When logistically and fiscally feasible and appropriate, the provider may request the specific years and semesters during which the on-site review is conducted. Such requests must be submitted to the LDE no less than one year before the renewal period begins:

a. on-site reviews may be conducted by the LDE or by a BESE-approved contractor with demonstrated expertise in teacher preparation. The evaluation tools used to conduct on-site reviews shall align to the requirements set forth in this bulletin and provide for a holistic rating between 1 and 4;

2. - 3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2489 (December 2017), LR 48:1757 (July 2022).

Shan N. Davis
Executive Director

2207#036

RULE

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs—Literacy Skills Standards (LAC 28:XLV.303, 743, and 745)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XLV in *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy. R.S.17:24.9 requires revisions to foundational literacy skills standards in all educator preparation programs for candidates seeking certification to teach students in kindergarten through third grade as well as setting the minimum number of credit hours in the teaching of reading and literacy. The required courses or training shall develop and assess candidates' mastery of applicable literacy competencies. Revisions also include technical updates regarding approval for programs offering add-on endorsement coursework and residents in Type III Early Learning Centers. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 3. Initial State Approval for Teacher or Educational Leader Preparation Programs

§303. Initial Approval [Formerly §203]

A. Initial approval is granted upon approval by BESE and, when applicable, BOR, through submission of a proposal to the LDE.

B. University and non-university providers seeking approval to offer a teacher preparation program, educational leader preparation program, or add-on certification program shall demonstrate eligibility by providing, at a minimum:

1. official declaration of intent in the form of a letter from the head of the institution or organization;

2. evidence of regional accreditation status (e.g., Southern Association of Colleges and Schools) for universities only;

3. evidence that the faculty who teach courses or provide direct coaching to teacher or educational leader candidates possess sufficient knowledge, skills, training, and expertise;

4. evidence to show that the governing structure of the institution or organization endorses and financially supports a teacher preparation program, educational leader preparation, or add-on programs (e.g., full budget report for the implementation of programs, including internal and

external sources of funding, and including both hard and soft monies);

B.5. - B.7. ...

C. In order to be recommended for BESE approval, teacher preparation programs must, at minimum:

1. be designed to develop and ensure candidates' mastery of the teacher preparation competencies, educational leader competencies, and/or requirements for existing certificate endorsements required for certification. The program design must center on courses and practice experiences that integrate content, theory, and practice; expressly treat current Louisiana student standards and instructional resources; and require candidates to demonstrate mastery of required competencies or requirements through a series of performance assessments and tasks:

a. in undergraduate programs offered by university providers, descriptions of coursework must include evidence of ample opportunity to develop content area mastery, instruments for assessing candidates' content knowledge, and procedures for remediation, if necessary. For the purposes of initial approval, an academic major in the content area for secondary certification areas may be considered evidence of "ample opportunity;"

b. in post-baccalaureate programs offered by university and non-university providers, descriptions of coursework or contact hours must include instruments for assessing candidates' content knowledge for teaching and/or leading, and procedures for remediation, if necessary;

c. in add-on certification programs offered by non-university providers, descriptions of coursework and contract hours must include instruments for assessing candidate content knowledge, include procedures for addressing unfinished learning, and align with the requirements to add endorsements to existing certificates, which are found in Part CXXI, Bulletin 746 - *Louisiana Standards for State Certification of School Personnel*;

2. pursuant to R.S. 17:7.1.4(a)(b), teacher preparation programs shall include the minimum number of credit hours or equivalent contact hours in the teaching of reading and literacy as follows. The required courses or training shall:

a. develop and assess candidate mastery of applicable literacy competencies, which are found in Part CXXXI, Bulletin 746 - *Louisiana Standards for State Certification of School Personnel*;

b. systematically and explicitly address the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension. Each course shall, at a minimum, integrate:

i. how to effectively teach the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension;

ii. how to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia;

iii. how to implement effective literacy instruction using high-quality instructional materials;

iv. how to administer literacy assessments to students and use the resulting data to improve literacy instruction for students;

c. systematically and explicitly address behavior management, trauma-informed principles and practices for

the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.

C.3. - C.3.b. ...

4. be jointly developed and administered in partnership with one or more local educational agencies in which candidates complete the one-year residency. Evidence of partnership shall include, but not be limited to, a formal agreement, such as a memorandum of understanding or memorandum of agreement, that includes:

a. roles of and responsibilities of program faculty, LEA leaders, residency school site administrators, and/or residency school site mentor teachers;

b. criteria and process for residency school site selection, development, and evaluation of effectiveness, to occur in concert with LEA leadership;

C.4.c - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), 17:7.2, and 17:24.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:2327 (November 2009), LR 37:561 (February 2011), LR 43:2486 (December 2017), LR 45:228 (February 2019), LR 45:902 (July 2019), repromulgated LR 46:892 (July 2020), amended LR 48:1757 (July 2022).

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter C. Teacher Preparation Programs

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. A traditional teacher preparation program is a baccalaureate degree program that includes a minimum of 120 credit hours of coursework and required practice experiences. A portion of the total hours must include the minimum number of credit hours in the teaching of reading and literacy as follows:

1. for certification in Birth-K, PK-3 and 1-5, general-special education mild/moderate 1-5—9 credit hours;

a. beginning July 31, 2022, candidates must spend, at a minimum, 9 credit hours or 135 contact hours engaged in foundational literacy instruction. The instruction must:

i. develop and assess candidate mastery of applicable literacy competencies, which are found in Part CXXXI, Bulletin 746 - *Louisiana Standards for State Certification of School Personnel*;

ii. systematically and explicitly address the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension. Each course shall, at a minimum, integrate:

(a). how to effectively teach the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension;

(b). how to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia;

(c). how to implement effective literacy instruction using high-quality instructional materials;

(d). how to administer literacy assessments to students and use the resulting data to improve literacy instruction for students;

iii. systematically and explicitly address behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate

supports to ensure that students can effectively access literacy instruction.

A.2. - C.1. ...

2. a one-year residency shall take place in a public school classroom, approved non-public school classroom, or classroom at a Type III Early Learning Center that has maintained consecutive years of LDE-issued academic approval in the certification area with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification in accordance with LAC 28:CXXXI (Bulletin 746). Beginning September 1, 2020, the teacher of record shall be required to hold a provisional mentor teacher ancillary certificate or a mentor teacher ancillary certificate in accordance with LAC 28:CXXXI (Bulletin 746). The residency may include practice with other teachers in a public or approved non-public school setting. Residents placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness in accordance with LAC 28:CXLVII (Bulletin 130):

C.2.a. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1758 (July 2022).

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - A.3. ...

B. For all alternate teacher preparation programs, a portion of the total hours must include the minimum number of credit hours or equivalent contact hours in the teaching of reading and literacy as follows:

1. for certification in PK-3 and 1-5, general-special education mild/moderate 1-5—9 credit hours or 135 contact hours;

a. beginning July 31, 2022, candidates must spend, at a minimum, 9 credit hours or 135 contact hours engaged in foundational literacy instruction. The instruction must:

i. develop and assess candidate mastery of applicable literacy competencies, which are found in Part CXXXI, Bulletin 746 - *Louisiana Standards for State Certification of School Personnel*; and

ii. systematically and explicitly address the foundational literacy skills of phonological awareness, fluency, vocabulary, and comprehension. Each course shall, at a minimum, integrate:

(a). how to effectively teach the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension;

(b). how to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia;

(c). how to implement effective literacy instruction using high-quality instructional materials;

(d). behavior management, trauma-informed principles and practices for the classroom, and other developmentally-appropriate supports to ensure that students can effectively access literacy instruction;

(e). how to administer literacy assessments to students and use the resulting data to improve literacy instruction for students;

iii. systematically and explicitly address behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.

B.2. - D.1.a. ...

2. A one-year residency shall take place in a public school classroom, approved non-public school classroom, or in a classroom at a Type III Early Learning Center that has maintained consecutive years of LDOE-issued academic approval in the certification area the candidate is pursuing. The residency shall include a combination of the following experiences:

D.2.a. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR 48:1759 (July 2022).

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Executive Director

2207#037

RULE

Board of Elementary and Secondary Education

Bulletin 1566—Pupil Progression Policies and Procedures
(LAC 28:XXXIX.503, 700, and 701)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XXXIX: in *Bulletin 1566—Pupil Progression Policies and Procedures*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy and would revise the required components of pupil progression plans to include the development of individual student literacy plans for certain third grade students. Further, the revisions require notification of parents or legal custodians of students in kindergarten through third grade who are identified as reading below level. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures

Chapter 5. Placement Policies—General Requirements

§503. Regular Placement

A. - A.1.e. ...

2. Every child, as a prerequisite to enrollment in any first grade of a public school, shall have attended at least a full-day public or non-public kindergarten for a full school year, and shall have satisfactorily passed an academic

readiness screening administered by the school system prior to the time of enrollment for the first grade. Each school system shall establish the academic readiness level for its first grade based on criteria established by the system. Any child not able to meet kindergarten attendance requirements due to illness or extraordinary, extenuating circumstances as determined by the school governing authority, shall be required to satisfactorily pass an academic readiness screening administered by the school system prior to the time of enrollment for the first grade. In accordance with R.S. 17:221, any child below the age of seven who legally enrolls in school shall be subject to state laws regarding compulsory attendance and promotion requirements set forth by the school system in accordance with this bulletin.

B. - E.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17.7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 2000), amended LR 26:1433 (July 2000), LR 26:1576 (August 2000), LR 27:188 (February 2001), LR 27:1006 (July 2001), LR 27:1682 (October 2001), LR 29:123 (February 2003), LR 30:407 (March 2004), LR 31:1974 (August 2005), LR 31:3103 (December 2005), LR 33:2063 (October 2007), LR 34:2389 (November 2008), LR 36:2003 (September 2010), LR 40:765 (April 2014), LR 40:1332 (July 2014), LR 40:2533 (December 2014), LR 41:1271 (July 2015), LR 44:480 (March 2018), LR 44:1003 (June 2018), LR 44:2131 (December 2018), LR 46:18 (January 2020), LR 48:1759 (July 2022).

Chapter 7. Promotion and Support Policy

§700. Support Standard for Grades Kindergarten-3

A. Beginning with the 2022-2023 school year and every school year thereafter, each local education agency shall identify all students in kindergarten, first, second, and third grade who score below grade-level on the literacy assessment.

B. The school shall notify the parents or legal custodian of students identified in part A of this subsection in writing regarding the student's performance within 15 days of identification. Such notification shall

1. Provide information on activities that can be done at home to support the student's literacy proficiency.
2. Provide information about supports and interventions that will be provided by the school to support the student's literacy proficiency.
3. Provide a timeline for updates as a result of progress monitoring that includes a middle-of-year and end-of-year update.
4. Provide information about the importance of being able to read proficiently by the end of the third grade.

C. The school shall provide mid-year and end-of-the-year updates to the parent or legal custodian of students identified in §700.A of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17.7; R.S. 17:24.4; and R.S. 14:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1760 (July 2022).

§701. Promotion and Support Standard for Grades 3-7

A. Beginning with the end of the 2022-2023 school year and at the end of each school year thereafter, each local education agency shall identify, based on a preponderance of evidence of student learning relative to literacy, a plan for third grade students who have scored below "basic" achievement level in English language arts and are identified

as reading below grade level, that would enable them to successfully transition to the next grade level. Third grade students who have not met such an acceptable level of performance may be retained or promoted; but in either case shall be provided with an individual student literacy plan that adheres to the following requirements:

1. The school shall convene an in-person meeting with the student's parents or legal custodian, all teachers of core academic subjects, and specialized support personnel, as needed, to review the student's academic strengths and weaknesses relative to literacy, discuss any other relevant challenges, and formulate an individual student literacy plan designed to assist the student in achieving proficiency in literacy. All participants shall sign the documented plan, using a template provided by the department, and shall meet to review progress at least once more before the next administration of the LEAP assessment.

2. The student shall be provided with focused literacy interventions and supports based on the science of reading designed to improve foundational literacy.

3. The student requiring an individual student literacy plan shall be identified as such in the state student information system (SIS).

4. The student shall be afforded the opportunity to receive on-grade level instruction and focused literacy interventions based on the science of reading during the summer.

5. Each LEA shall adopt a written policy pertaining to the development of the individual student literacy plan. This policy shall be included in the pupil progression plan of the LEA and could include the following specific student supports; daily targeted small-group interventions, before and after school literacy intervention provided by a teacher or tutor with specialized literacy training, and at-home literacy programs that include literacy workshops for the parents and legal guardians of students and web-based or parent-guided home literacy activities.

6. The department may audit a random sampling of students in each local education agency identified pursuant to Subsection A of this section each year.

B. Beginning with the end of the 2017-2018 school year and at the end of each school year thereafter, each local education agency shall identify a plan, based on a preponderance of evidence of student learning, fourth grade students who have scored below "basic" achievement level in at least two core academic subjects, including English language arts, mathematics, science, and social studies, that would enable them to successfully transition to the next grade level. Fourth grade students who have not met such an acceptable level of performance may be retained or promoted, but in either case, shall be provided with an individual academic improvement plan that adheres to the following requirements.

1. The school shall convene an in-person meeting with the student's parent or legal custodian, all teachers of core academic subjects, and specialized support personnel, as needed, to review the student's academic strengths and weaknesses, discuss any other relevant challenges, and formulate an individual academic improvement plan designed to assist the student in achieving proficiency in all core academic subjects. All participants shall sign the documented plan, using a template provided by the

department, and shall meet to review progress at least once more before the next administration of the LEAP assessment.

2. The student shall be provided with focused, on-grade level instructional support that is appropriate to the content area(s) in which the student has not yet achieved proficiency. Instruction shall be aligned with state academic content standards.

3. The student requiring an academic improvement plan shall be identified as such in the state student information system (SIS).

4. The student shall be afforded the opportunity to receive on-grade level instruction during the summer.

5. Each LEA shall adopt a written policy pertaining to the development of individual academic improvement plans. This policy shall be included in the pupil progression plan of the LEA.

6. The department shall audit a random sampling of students in each local education agency identified pursuant to Subsection A of this Section each year.

C. The department shall provide to each LEA a roster of third and fourth grade students who are eligible for consideration under Subsection A and B of this chapter. Such roster shall assist the LEA in making final determinations relative to students' individual academic plans and/or individual literacy plans required pursuant to this Section.

1. The decision to retain a student as a result of his/her failure to achieve the standard on the LEAP shall be made by the LEA in accordance with the local pupil progression plan. The department shall provide guidance to LEAs on retention considerations.

2. The individual literacy plan and/or academic improvement plan required in this Section shall continue to be in effect until such time as the student achieves a score of "basic" in each of the core academic subjects that initially led to the development of the student's individual academic plan and/or literacy plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:24.9; and R.S. 17:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:481 (March 2018), LR 48:1760 (July 2022).

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Executive Director

2208#035

RULE

**Board of Regents
Office of Student Financial Assistance**

Scholarship/Grant Programs—COVID-19 Exceptions
(LAC 28:IV.703)

The Louisiana Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG22202NI) This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

**Chapter 21. Miscellaneous Provisions and Exceptions
§703. Establishing Eligibility**

A. - A.5.a.i.(g). ...

* * *

(h). for students graduating in academic year (high school) 2021-2022 and after, the courses listed in the tables below have been approved by the Board of Regents and the state Board of Elementary and Secondary Education to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a.

(i). Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	AP Human Geography
World History	AP World History

(ii). International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math–Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

(iii). Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV

TOPS Core Course	Gifted and Talented
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Pre-Calculus	Pre-Calculus
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

(iv). Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math–Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
African American History	African American History	CHIS 2103
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors) Human Anatomy & Physiology I Human Anatomy & Physiology I (Lec/Lab) Human Anatomy & Physiology II Human Anatomy & Physiology II (Lec/Lab)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043 CBIO 2213 CBIO 2214 CBIO 2223 CBIO 2224
Calculus	Applied Calculus Calculus I Calculus II Differential Calculus I Integral Calculus I	CMAT 2103 CMAT 2113-5 CMAT 2123-5 CMAT 2113 CMAT 2116
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
World Geography	World Regional Geography	CGRG 2113
World History	World Civilization I or II	CHIS 1113/1123

(v). Honors Courses

TOPS Core Course	Honors
Arabic	Arabic: Cambridge AICE-AS
Biology II	Biology II: Honors
IB Biology II	Biology II: Cambridge AICE-AS
Calculus I	Calculus: Honors Math 2 (Part 1): Cambridge AICE-A Level
Calculus II	Math 2 (Part 2): Cambridge AICE – A Level
Chemistry I	Chemistry I: Honors
Chemistry II	Chemistry II: Honors
IB Chemistry II	Chemistry II: Cambridge AICE-AS
Chinese	Chinese: Cambridge AICE-AS
Economics	Economics: Cambridge AICE - AS
English III	English III: Honors English Language Part 1: Cambridge AICE – AS Literature in English Part 1: Cambridge AICE - AS
English IV	English IV: Honors English Language Part 2: Cambridge AICE – AS Literature in English Part 2: Cambridge AICE - AS
Environmental Science	Environmental Science: Honors
European History	History European: Cambridge AICE-AS
French	French: Cambridge AICE-AS
German	German: Cambridge AICE-AS
Government	Government: Honors
Japanese	Japanese: Cambridge AICE-AS
Physics I	Physics: Honors
IB Physics II	Physics II: Cambridge AICE-AS
Pre-Calculus	Pre-Calculus Honors Math 1: (Pure Math): Cambridge AICE-AS
Probability and Statistics	Probability and Statistics: Honors Math 1 (Probability and Statistics)- Cambridge AICE
Spanish	Spanish: Cambridge AICE-AS
Spanish IV	Spanish Literature: Cambridge ACE
US History	U.S. History: Honors
World Geography	Geography: Cambridge AICE-AS
World History	World History: Honors History International: Cambridge AICE-AS

A.5.a.ii.(a) - L.2.c.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125

(February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:39 (January 2021), amended LR 47:861 (July 2021), LR 47:864 (July 2021), amended LR 47:868 (July 2021), LR 48:1761 (July 2022).

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RULE

Board of Elementary and Secondary Education

Bulletin 1964—Louisiana Content Standards, Benchmarks,
and Grade Level Expectations for Social Studies
(LAC 28:CXXI.Chapters 1-29)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has re-established the content of LAC 28:CXXI. *Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies* to reflect the new content standards. The aforementioned revisions are in response to the requirement in R.S. 17:24.4 that BESE develop state academic content standards and the requirement in LAC 28: CXV.2301(C) that content standards be subject to review and revision every seven years. The updated social studies content standards were approved at the March 2022 BESE meeting. Consequently, LAC 28:CXXI will be repealed and re-established to reflect the updated academic standards. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXXI. Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies

Chapter 1. General

§101. Introduction

A. The Louisiana student standards define what a public school student should know or be able to accomplish at the end of a specific time period or grade level or at the completion of a course. They represent the knowledge and skills needed for students to successfully transition from each grade and ultimately to postsecondary education and the workplace, as determined by content experts, elementary and secondary educators and school leaders, postsecondary

education leaders, and business and industry leaders. The standards set forth what learning should be taught; local education agencies, their school leaders and classroom educators should determine how the standards should be taught, including the curricula and instructional materials that should be used to meet students' individual needs in mastering the standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1764 (July 2022).

§103. Louisiana Content Standards Foundation Skills

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2802 (November 2005). LR 48:1764 (July 2022).

§105. Information Literacy Model for Lifelong Learning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2802 (November 2005). LR 48:1764 (July 2022).

§107. Louisiana Social Studies Content Strands

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2803 (November 2005). LR 48:1764 (July 2022).

§109. Louisiana Social Studies Strands

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2803 (November 2005). LR 48:1764 (July 2022).

Chapter 3. Kindergarten—Life in My Home, School, and Local Community

§301. Introduction

A. Kindergarten students are introduced to the world beyond their family and home. Kindergarten students will build upon experiences with their families, schools, communities, and parishes as they begin their study of the most fundamental principles and ideas of each of social studies' core disciplines: history, civics, economics, and geography.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1764 (July 2022).

§303. History

A. Order events in a chronological sequence using schedules, calendars, and timelines. Examples include:

1. daily classroom activities; and
2. significant events in students' lives.

B. Differentiate between primary and secondary sources. Examples include:

1. primary sources to include letters, diaries, autobiographies, speeches, and interviews; and
2. secondary sources to include magazine articles, textbooks, encyclopedia entries, and biographies.

C. Select and use appropriate evidence from primary and secondary sources to support claims.

D. Identify symbols, customs, famous individuals, and celebrations representative of our state and nation, including:

1. symbols to include the United States flag, bald eagle, Louisiana State flag, and brown pelican;

2. customs to include pledging allegiance to the United States flag and singing “The Star-Spangled Banner;”

3. individuals to include George Washington, Abraham Lincoln, and Dr. Martin Luther King, Jr.; and

4. state and nationally designated holidays to include New Year’s Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington’s Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

E. Identify examples of different cultures and traditions in Louisiana, including:

1. music to include Cajun, jazz, and zydeco;

2. traditions to include king cake, red beans and rice on Mondays; and

3. cuisine to include jambalaya, gumbo, etouffee, bread pudding, meat pies, and tamales.

F. Identify a cause and effect for a significant event in a school, neighborhood, or parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1764 (July 2022).

§305. Civics

A. Explain the purpose of local government.

B. Describe the importance of fairness, responsibility, respect, and hard work. Examples include:

1. taking care of personal belongings and respecting the property of others;

2. following rules and recognizing consequences of breaking rules; and

3. taking responsibility for assigned duties.

C. Describe organizations and individuals within a school or parish that help solve issues, including the school principal, school custodian, volunteers, police officers, and fire and rescue workers.

D. Describe the importance of rules and how they help protect our liberties.

E. Explain how people can work together to make decisions.

F. Identify local business and government leaders and describe their roles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1765 (July 2022).

§307. Economics

A. Identify examples of goods and services. Examples include:

1. goods to include food, toys, and clothing; and

2. services to include medical care, fire protection, law enforcement, and library resources.

B. Describe and compare reasons to save and spend money.

C. Differentiate between wants and needs.

D. Identify jobs and industries within a school and community.

E. Describe the concept of scarcity using examples.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1765 (July 2022).

§309. Geography

A. Use maps and models to describe relative location. Examples can include locating objects and places to the right or left, up or down, in or out, and above or below.

B. Identify basic landforms and bodies of water in a variety of visual representations, including mountains, hills, coasts, islands, lakes, and rivers.

C. Identify ways people interact with their environment, including:

1. using natural resources; and

2. modifying their environment to create shelter.

D. Identify rural, suburban, and urban areas.

E. Explain how weather impacts daily life and choices.

F. Explain why people may move from place to place.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1765 (July 2022).

Chapter 5. Grade 1—Life in the Great State of Louisiana

§501. Introduction

A. The focus in grade 1 is helping students acquire knowledge regarding their place in the local community and in Louisiana. First graders will gain a deeper sense of their role as citizens in a democratic society as they develop an awareness of their basic rights and responsibilities, including the laws designed to protect them. Students will continue to develop a sense of time and place as they increase their understanding of the past, present, and future through the study of Louisiana’s rich history and culture.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1765 (July 2022).

§503. History

A. Create a chronological sequence of events using appropriate vocabulary.

B. Differentiate between primary and secondary sources. Examples include:

1. primary sources to include letters, diaries, autobiographies, speeches, and interviews; and

2. secondary sources to include magazine articles, textbooks, encyclopedia entries, and biographies.

C. Select and use appropriate evidence from primary and secondary sources to support claims.

D. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning.

E. Compare life in Louisiana in the past to life today.

F. Describe how past events can affect the present.

G. Compare the lives of Louisianans today in urban, suburban, and rural parishes.

H. Identify examples of Louisiana's culture, including:

1. state and nationally designated holidays: New Year’s Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington’s Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day,

Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day;

2. music: Cajun, jazz, and zydeco;
3. languages: French, Spanish, Native American languages, for example, Atakpan, Caddo, and Choctaw
4. architecture: St. Louis Cathedral, The Cabildo, State Capitol, Louisiana Superdome, Strand Theater, Sports Hall of Fame, and the World War Two Museum;
5. traditions: lagniappe, second line parades, king cake, and red beans and rice on Mondays;
6. cuisine: jambalaya, gumbo, etouffee, bread pudding, meat pies, and tamales;
7. symbols: Louisiana State flag, brown pelican, magnolia tree, and the brown bear.

I. Identify cultural groups that influenced Louisiana, including Acadians, Africans, Canary Islanders, French, Germans, Haitians, Native Americans, Asian Americans, French, and Spanish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1765 (July 2022).

§505. Civics

A. Describe the purpose of the state government of Louisiana.

B. Identify Louisiana as a unique state among fifty, and as a part of the United States.

C. Identify each of the branches of the state government of Louisiana.

D. Describe examples of rules and laws in Louisiana.

E. Describe civic virtues including voting, running for office, serving on committees, and volunteering.

F. Describe the importance of fairness, responsibility, respect, and hard work. For example:

1. taking care of personal belongings and respecting the property of others;
2. following rules and recognizing consequences of breaking rules; and
3. taking responsibility for assigned duties.

G. Identify leaders at various levels of Louisiana State government and explain their roles and responsibilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1766 (July 2022).

§507. Economics

A. Differentiate between producers and consumers.

B. Identify examples of an economic cost or benefit of a decision or event.

C. Describe how different public and private jobs help Louisianans. For example:

1. public: firefighters keeping people and their property safe.

2. private: nurses caring for sick or injured people.

D. Explain why and how goods and services are produced and traded.

E. Describe how scarcity requires people to make choices.

F. Identify and describe which goods and services are produced in different places and regions in Louisiana.

G. Describe the importance of natural resources in Louisiana, including timber, seafood, and oil.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1766 (July 2022).

§509. Geography

A. Create and use maps or models with cardinal directions, keys, and scale.

B. Identify where Louisiana is within the United States and on the globe.

C. Differentiate between the town, parish, state, and country in which the student lives on a political map.

D. Identify places, regions, and landforms in Louisiana, and describe their relative locations including the cultural region North Louisiana, Central Louisiana, Southwest Louisiana, Florida Parishes, Acadiana, Bayou Region, and Greater New Orleans.

E. Describe the physical characteristics of various regions of Louisiana, including bayous, swamps, floodplains, forests, and farmland.

F. Describe ways people in Louisiana change their environment to meet their needs, including the construction of bridges and levees.

G. Explain how Louisianans have successfully met the challenges posed by natural disasters.

H. Explain how and why people and goods move from place to place.

I. Explain how the physical landscape of Louisiana affected the settlement of Native Americans and early settlers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1766 (July 2022).

Chapter 7. Grade 2—Life in Our Great Country, the United States of America

§701. Introduction

A. The goal in grade 2 is to introduce students to major historical events, figures, and symbols related to the principles and founding of American democracy. Young students learn to value differences among people and exemplify a respect for the rights and opinions of others. They develop an appreciation of shared values, principles, and beliefs that promote stability for our country's government and its citizens while building knowledge about our founding documents, system of government, and individuals who exemplify American values and principles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1766 (July 2022).

§703. History

A. Create and use a chronological sequence of events using appropriate vocabulary.

B. Differentiate between primary and secondary sources. Examples include:

1. primary sources: letters, diaries, autobiographies, speeches, and interviews;

2. secondary sources: magazine articles, textbooks, encyclopedia entries, and biographies.

C. Select and use appropriate evidence from primary and secondary sources to support claims.

D. Construct and express claims that are supported with relevant evidence from primary and secondary sources with clear reasoning.

E. Compare life in the United States in the past to life today.

F. Describe the significance of the American Revolution and the founding of the United States.

G. Identify and describe national historical figures, celebrations, symbols, and places.

1. Identify and describe the Founding Fathers, including George Washington, Thomas Jefferson, Benjamin Franklin, Patrick Henry, John Adams, John Hancock, and James Madison.

2. Identify and describe historical female figures, including Abigail Adams, Anne Hutchinson, Dolley Madison, Betsy Ross, and Phillis Wheatley.

3. Describe the significance of state and nationally designated holidays, including New Year's Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington's Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

4. Describe the history of American symbols, including the Liberty Bell, United States flag (etiquette, customs pertaining to the display and use of the flag), bald eagle, national anthem, Uncle Sam, Statue of Liberty, The Pledge of Allegiance, and the national motto "In God We Trust."

5. Identify and describe man-made American monuments and landmarks including the Gateway Arch, the Golden Gate Bridge, Jefferson Memorial, Dr. Martin Luther King Jr. Memorial in Washington D.C., Lincoln Memorial, Mount Rushmore, Pearl Harbor Museum, September 11 Memorial and Museum, Statue of Liberty, the Tomb of the Unknown Soldier, U.S. Capitol, Washington Monument, and the White House.

6. Identify and describe natural American landmarks, including the Grand Canyon, Mississippi River, Monument Valley, Niagara Falls, Rocky Mountains, Smoky Mountains, and Yellowstone National Park.

H. Interpret legends, stories, and songs that contributed to the development of the cultural history of the United States, including Native American legends, African American history, tall tales, and stories of folk heroes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1766 (July 2022).

§705. Civics

A. Describe the structure and responsibilities of each of the three branches of the U.S. government (legislative, executive, judicial).

B. Identify and describe principles of American democracy and relate them to the founding of the nation.

a. Identify reasons for the settlement of the 13 colonies and the founding of the United States, including the search for freedom and a new life.

b. Identify and describe basic principles of the Declaration of Independence and the Constitution of the United States, including equality under the law and fair treatment for all.

C. Explain the purpose of rules and laws in the United States.

D. Define governmental systems, including democracy and monarchy.

E. Describe civic virtues including voting, running for office, serving on committees, and volunteering.

F. Describe how hard work, good habits, consistent attendance in school, and planning for the future can help students achieve goals, including attending college, learning a trade, and having a successful career.

G. Compare local, state, and national elected officials and explain their roles and responsibilities, including the president, governor, mayor, and representatives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1767 (July 2022).

§707. Economics

A. Describe the United States in economic terms, including free enterprise, private property, producers and consumers, profit and loss, costs and benefits, and imports and exports.

1. Describe how people are both producers and consumers.

2. Explain why free enterprise and private property are important concepts and how they are beneficial to individuals and to the United States.

4. Identify examples of an economic cost or benefit of a decision or event.

B. Explain why and how people specialize in the production of goods and services.

C. Explain how scarcity of resources and opportunity costs require people to make choices to satisfy wants and needs.

D. Identify how people use natural (renewable and non-renewable), human, and capital resources to provide goods and services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1767 (July 2022).

§709. Geography

A. Create and use maps and models with a key, scale, and compass with intermediate directions.

B. Describe geographic features and physical characteristics of places in the United States and the world, including mountains, hills, plains, deserts, coasts, islands, peninsulas, lakes, oceans, and rivers.

C. Identify and locate the four hemispheres, equator, and prime meridian.

D. Describe the relative location of the United States.

E. Compare and contrast basic land use and economic activities in urban, suburban, and rural environments.

F. Identify natural disasters such as blizzards, earthquakes, tornadoes, hurricanes, and floods and explain their effects on people and the environment.

G. Explain how and why people, goods, and ideas move from place to place.

H. Describe how and why people from various cultures immigrate to the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1767 (July 2022).

Chapter 9. Grade 3—The American Story: People, Places, and Papers

§901. Introduction

A. Building on what students learned in grade 2 about our founding documents and system of government, this course continues to introduce students to major historical events, figures, symbols, and places related to the development and history of the United States of America. In grade 3, students examine the people, places, and papers in United States history that exemplify American ideals and fundamental values such as equality under the law, liberty, justice, and responsibility for the common good. Students will also focus on building their geographic knowledge of North America and the wider world, while further developing an understanding of how the environment affects its inhabitants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1768 (July 2022).

§903. History

A. Create and use a chronological sequence of related events to compare developments and describe instances of change and continuity.

B. Explain connections between ideas, events, and developments in U.S. history.

C. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. explain claims and evidence;
3. compare and contrast multiple sources.

D. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. explain causes and effects;
4. describe counterclaims.

E. Compare life in the United States in the past and present.

F. Identify and describe national historical figures, celebrations, and symbols.

1. Describe the achievements of George Washington, Thomas Jefferson, Lewis and Clark, Sacagawea, Abraham Lincoln, Frederick Douglass, Harriet Tubman, Sojourner Truth, Sitting Bull, George Washington Carver, Susan B. Anthony, Mabel Ping-Hua Lee, Theodore Roosevelt, the Wright Brothers, Thomas Edison, Henry Ford, Alexander Graham Bell, Dr. Martin Luther King Jr., Jackie Robinson, Sally Ride, Katherine Johnson, and Mae Jemison.

2. Describe the significance of state and nationally designated holidays, including New Year's Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington's Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

3. Describe the history of American symbols, including the Liberty Bell, U.S. flag (etiquette, customs pertaining to the display and use of the flag), bald eagle, national anthem, Uncle Sam, Statue of Liberty, The Pledge of Allegiance, and the national motto "In God We Trust."

4. Identify and describe man-made American monuments and landmarks including the Gateway Arch, the Golden Gate Bridge, Jefferson Memorial, Dr. Martin Luther King, Jr. Memorial in Washington D.C., Lincoln Memorial, Mount Rushmore, Pearl Harbor Museum, September 11 Memorial and Museum, Statue of Liberty, the Tomb of the Unknown Soldier, U.S. Capitol, Washington Monument, and the White House.

5. Identify and describe natural American landmarks, including the Grand Canyon, Mississippi River, Monument Valley, Niagara Falls, Rocky Mountains, Smoky Mountains, and Yellowstone National Park.

G. Describe the significance of major events in the history of the United States, including the American Revolution, Louisiana Purchase, Lewis and Clark Expedition, the abolition of slavery following the Civil War, women's suffrage movement, civil rights movement, and the Space Race.

H. Describe how voluntary and involuntary migration have affected the United States.

I. Describe how technological advancements such as the steam engine, railroad, automobile, electricity, telephone, radio, television, microwave, and digital technologies have affected the lives of people in the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1768 (July 2022).

§905. Civics

A. Recognize functions of the Declaration of Independence and the Constitution of the United States.

1. Describe the process by which a bill becomes law.
2. Describe the responsibilities of the three branches of government.
3. Explain the relationship between the federal government and state government.

4. Compare and contrast representative democracy (republic) and monarchy.

5. Explain how our founding documents protect individuals' rights to life, liberty, and the pursuit of happiness.

B. Identify and describe basic principles of the Declaration of Independence and the Constitution of the United States.

C. Explain the significance of the Emancipation Proclamation and the Thirteenth Amendment.

D. Describe civic virtues: voting, running for office, serving on committees, and volunteering.

E. Describe how and why people become citizens of the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1768 (July 2022).

§907. Economics

A. Describe the United States in economic terms: free enterprise, private property, producers and consumers, profit and loss, supply and demand, and imports and exports.

1. Explain why free enterprise and private property are important concepts and how they are beneficial to individuals and to the United States.

2. Explain how the interaction between producers and consumers in a free market satisfies economic wants and needs.

2. Explain how supply and demand can affect the prices of goods and services.

3. Differentiate between imports and exports.

4. Explain why and how people specialize in the production of goods and services.

B. Identify how people use natural (renewable and non-renewable), human, and capital resources to provide goods and services.

C. Describe the relationship between scarcity and opportunity cost in economic decision making.

D. Describe the importance of personal financial decision making such as budgeting and saving.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1769 (July 2022).

§909. Geography

A. Create and use maps and models with a key, scale, and compass with intermediate directions.

B. Describe the geographic features of places in the United States.

C. Interpret geographic features of the United States using a variety of tools such as different types of maps and photos.

D. Identify and locate the four hemispheres, equator, and prime meridian.

E. Locate and describe the seven continents and five oceans.

F. Describe the relative location of the United States.

G. Describe why and how people in the United States have modified their environment.

H. Compare and contrast basic land use and economic activities in urban, suburban, and rural environments.

I. Describe the importance of conservation and preservation.

J. Describe how the regions of the United States vary culturally and economically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1769 (July 2022).

Chapter 11. Grade 4—The Ancient World

§1101. Introduction

A. After building knowledge in grades K-3 about their community, parish, state, and nation, students are ready to expand their historical horizons and begin an exploration of the ancient and classical world. In grade 4, students are introduced to the story of human civilization and will examine key characteristics of society, government, and culture in the ancient Near East, Northern Africa, India, Greece, Rome, China, and the Americas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1769 (July 2022).

§1103. Standards

A. Create and use a chronological sequence of related events to compare developments and describe instances of change and continuity.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. explain claims and evidence;
3. compare and contrast multiple sources.

C. Explain connections between ideas, events, and developments in world history.

D. Compare and contrast events and developments in world history.

E. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. explain causes and effects;
4. describe counterclaims.

F. Create and use geographic representations to locate and describe places and geographic characteristics, including the following: hemispheres; landforms such as continents, oceans, rivers, mountains, and deserts; cardinal and intermediate directions; climate and environment.

G. Use geographic representations and historical information to explain how physical geography influenced the development of ancient civilizations and empires.

H. Describe the origin and spread of major world religions as they developed throughout history.

I. Describe the characteristics of nomadic hunter-gatherer societies, including their use of hunting weapons, fire, shelter and tools.

J. Describe early human migration out of Africa, first to Europe and Asia, then to the Americas and Australia.

K. Explain the effects of the Agricultural Revolution, including the barter economy, food surpluses, domestication of plants and animals, specialization, and the growth of permanent settlements.

L. Identify and explain the importance of the following key characteristics of civilizations: culture, specialization,

infrastructure, stable food supply, government, technology, belief systems, writing, and social structure.

M. Describe the geographic, political, economic, and cultural structures of the ancient Near East.

1. Identify and locate geographical features of the ancient Near East, including the Black Sea, Persian Gulf, Euphrates River, Tigris River, Mediterranean Sea, and Zagros Mountains.

2. Explain how geographic and climatic features led to the region being known as the Fertile Crescent.

3. Explain how irrigation, silt, metallurgy, production of tools, and the use of animals and inventions such as the wheel and plow led to advancements in agriculture.

4. Describe how changes in agriculture in Sumer led to economic growth, expansion of trade and transportation, and the growth of independent city-states.

5. Identify important achievements of the Mesopotamian civilization, including cuneiform, clay tablets, ziggurats, and the Epic of Gilgamesh as the oldest written epic.

6. Describe the significance of the written law in the Code of Hammurabi, and explain the meaning of the phrase “an eye for an eye and a tooth for a tooth.”

7. Describe the development of the ancient Israelites.

N. Describe the geographic, political, economic, and cultural structures of ancient Egypt.

1. Identify and locate geographical features of ancient Egypt, including the Mediterranean Sea, Red Sea, Nile River and Delta, and the Sahara Desert.

2. Explain the structure of ancient Egyptian society, including the relationships between groups of people and the role played by the pharaoh and enslaved people.

3. Explain Egyptian beliefs about the afterlife, the reasons for mummification, and the use of pyramids.

4. Describe the significance of key figures from ancient Egypt, including Queen Hatshepsut, Ramses the Great, and the significance of the discovery of Tutankhamun’s tomb on the modern understanding of ancient Egypt.

5. Describe the achievements of ancient Egyptian civilization, including hieroglyphics, papyrus, and the pyramids and Sphinx at Giza.

6. Describe the cultural diffusion of ancient Egypt with surrounding civilizations through trade and conflict.

O. Describe the geographic, political, economic, and cultural structures of ancient India.

1. Identify and locate geographical features of ancient India, including the Ganges River, Indus River, Himalayan Mountains, Indian Ocean, and the subcontinent of India.

2. Explain the emergence of civilization in the Indus River Valley as an early agricultural civilization and describe its achievements, including architecture built with bricks, roads arranged into a series of grid systems, and sewer systems.

3. Identify the long-lasting intellectual traditions that emerged during the late empire of ancient India, including advances in medicine and Hindu-Arabic numerals.

P. Describe the geographic, political, economic, and cultural structures of ancient Greece.

1. Identify and locate geographical features of ancient Greece, including the Mediterranean Sea, Athens, the Peloponnesian peninsula, and Sparta.

2. Describe how the geographical features of ancient Greece, including its mountainous terrain and access to the Mediterranean Sea contributed to its organization into city-states and the development of maritime trade.

3. Examine the concept of the polis in Greek city-states, including the ideas of citizenship, civic participation, and the rule of law.

4. Explain the basic concepts of direct democracy and oligarchy.

5. Explain the characteristics of the major Greek city-states of Athens and Sparta, including status of women, approaches to education, type of government, and the practice of slavery.

6. Describe the causes and consequences of the Persian Wars, including the role of Athens and its cooperation with Sparta.

7. Describe the polytheistic religion of ancient Greece.

8. Identify Socrates, Plato, and Aristotle as great philosophers of ancient Greece explain how ideas can spread through writing and teaching.

9. Identify examples of ancient Greek architecture, including the Parthenon and the Acropolis.

10. Identify Alexander the Great and explain how his conquests spread Hellenistic, or Greek, culture.

Q. Describe the geographic, political, economic, and cultural structures of ancient Rome.

1. Identify and locate the geographical features of ancient Rome, including the Mediterranean Sea, Italian Alps, Rome, Italian Peninsula, and the Tiber River.

2. Explain how the geographical location of ancient Rome contributed to its political and economic growth in the Mediterranean region and beyond.

3. Describe the class system of ancient Rome, including the roles and rights of patricians, plebeians, and enslaved people in Roman society.

4. Describe the polytheistic religion of ancient Rome and its connection to ancient Greek beliefs.

5. Describe the characteristics of Julius Caesar’s rule, including his role as dictator for life.

6. Explain the influence of Augustus Caesar, including the establishment of the Roman Empire and its expansion during the Pax Romana.

7. Describe how innovations in engineering and architecture contributed to Roman expansion, including the role of aqueducts, domes, arches, roads, bridges, and sanitation.

8. Describe the fall of the Western Roman Empire, including difficulty governing its large territory and political, military, and economic problems.

R. Describe the geographic, political, economic, and cultural structures of ancient China.

1. Identify and locate geographical features of ancient China, including the Gobi Desert, Plateau of Tibet, Himalayan Mountains, Yangtze River, Pacific Ocean, and the Yellow River.

2. Describe the influence of geographic features on the origins of ancient Chinese civilization in the Yellow River Valley, and explain how China’s geography helped create a unique cultural identity.

3. Describe problems prevalent in the time of Confucius and explain the concepts of filial piety, or dutiful respect, and the Mandate of Heaven.

4. Explain the significance of the unification of ancient China into the first Chinese empire by Qin Shi Huangdi.

5. Describe how the size of ancient China made governing difficult and how early dynasties attempted to solve this problem, including the construction of the Grand Canal and the Great Wall.

6. Explain the major accomplishments of the Han Dynasty, including the magnetic compass, paper making, porcelain, silk, and woodblock printing.

7. Describe how the desire for Chinese goods influenced the creation of The Silk Road and began a process of cultural diffusion throughout Eurasia.

S. Describe the geographic, political, and economic, and cultural structures of Indigenous civilizations of the Americas.

1. Identify and locate geographical features in the Americas, including Mississippi River and Delta, Amazon River, the Pacific Ocean, Appalachian Mountains, Gulf of Mexico, Atlantic Ocean, South America, and the Yucatan Peninsula.

2. Describe the cultural elements among Indigenous communities in the Americas, including housing, clothing, games/entertainment, dance, and how food was gathered/caught and cooked.

3. Explain how nomadic groups of people first hunted and traveled throughout what would become Louisiana.

4. Explain how people living in what would become Louisiana gradually moved towards seasonal hunting and gathering, using new tools and practices for hunting, and building large mounds for ceremonial and practical purposes.

5. Describe key characteristics of Poverty Point culture, including art, hunting methods, dress, food, use of mounds, and resources traded there.

6. Explain the major accomplishments of the Mayans, including advancements in astronomy, mathematics and the calendar, construction of pyramids, temples, and hieroglyphic writing.

7. Describe the influence of geographic features on the origins of the Mayan civilization and explain theories related to the abandonment of their cities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1769 (July 2022).

§1105. First Grade

Repealed.

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§1107. Second Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

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§1109. Third Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

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§1111. Fourth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2817 (November 2005). LR 48:1771 (July 2022).

§1113. Fifth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2818 (November 2005). LR 48:1771 (July 2022).

§1115. Sixth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2820 (November 2005). LR 48:1771 (July 2022).

§1117. Seventh Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2821 (November 2005). LR 48:1771 (July 2022).

§1119. Eighth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2823 (November 2005). LR 48:1771 (July 2022).

§1121. Geography (Core Course: World Geography)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2825 (November 2005). LR 48:1771 (July 2022).

§1123. Civics (Core Course: Civics)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2827 (November 2005). LR 48:1771 (July 2022).

§1125. Economics (Core Course: Free Enterprise)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2828 (November 2005). LR 48:1771 (July 2022).

§1127. History (Core Course: U.S. History)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2830 (November 2005). LR 48:1771 (July 2022).

§1129. History (Core Course: World History)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2831 (November 2005). LR 48:1772 (July 2022).

Chapter 13. Grade 5—The Medieval to the Early

Modern World

§1301. Introduction

A. The fifth grade builds on what students learned about ancient and classical civilizations in grade 4. In this course, students will examine: Medieval Europe and Africa, Aztec and Incan civilizations, the Renaissance and Reformation, the Age of Exploration, and the European conquest and colonization of the Americas. Students will also examine the growth in economic interactions among civilizations as well as the exchange of ideas, beliefs, technologies, and commodities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1772 (July 2022).

§1303. Standards

A. Create and use a chronological sequence of related events to compare developments and describe instances of change and continuity.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. explain claims and evidence;
3. compare and contrast multiple sources.

C. Explain connections between ideas, events, and developments in world history.

D. Compare and contrast events and developments in world history.

E. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. explain causes and effects;
4. describe counterclaims.

F. Create and use geographic representations to locate and describe places and geographic characteristics, including the following: hemispheres; landforms such as continents, oceans, rivers, mountains, deserts; cardinal and intermediate directions; latitude and longitude, climate, and environment.

G. Use geographic representations and historical information to explain how physical geography influenced the development of civilizations and empires.

H. Describe the origin and spread of major world religions as they developed throughout history.

I. Describe the geographic, political, economic, and cultural structures of Europe during the Middle Ages.

1. Identify and locate geographical features of Europe, including the Alps, Atlantic Ocean, North European Plain, English Channel, Ural Mountains and the Mediterranean Sea.

2. Describe the role of monasteries in the preservation of knowledge and the spread of the Catholic Church throughout Europe.

3. Explain how Charlemagne shaped and defined medieval Europe, including the creation of the Holy Roman Empire, and the establishment of Christianity as the religion of the Empire.

4. Describe the development of feudalism and manorialism and their role in the medieval European economy.

5. Describe the significance of the Magna Carta, including limiting the power of the monarch, the rule of law, and the right to trial by jury.

6. Explain how the Crusades affected Christian, Muslim, and Jewish populations in Europe.

7. Describe the economic and social effects of the spread of the Black Death, or Bubonic Plague, from Central Asia to China, the Middle East, and Europe, and its effect on the global population.

8. Describe the significance of the Hundred Years War, including the roles of Henry V in shaping English culture and language and Joan of Arc in promoting a peaceful end to the war.

J. Describe the geographic, political, economic, and cultural structures of Southwest Asia and North Africa.

1. Identify and locate the geographical features of Southwest Asia and North Africa, including the Arabian Peninsula, the Persian Gulf, Arabian Sea, Red Sea, Black Sea, and the Caspian Sea.

2. Describe the diffusion of Islam, its culture, and the Arabic language throughout North Africa and Southwest Asia.

3. Summarize the contributions of Islamic scholars in the areas of art, medicine, science, and mathematics.

K. Describe the geographic, political, economic, and cultural structures of Medieval West African Kingdoms

1. Identify and locate the geographical features of West Africa, including the Atlantic Ocean, Niger River, Djenne, The Sahara, Gulf of Guinea, and Timbuktu.

2. Describe the growth of the kingdoms of Ghana, Mali, and Songhai, including cities such as Djenne and Timbuktu as centers of trade, culture, and learning.

3. Describe the role of the Trans-Saharan caravan trade in the changing religious and cultural characteristics of West Africa and in the exchange of salt, gold, and enslaved people.

4. Explain the importance of the Malian king Mansa Musa and his pilgrimage to Mecca.

L. Describe the origins, accomplishments, and geographic diffusion of the Renaissance as well as the historical developments of the Protestant Reformation and Scientific Revolution.

1. Explain how the location of the Italian Peninsula affected the movement of resources, knowledge, and culture throughout Italy's independent trade cities.

2. Identify the importance of Florence, Italy and the Medici Family in the early stages of the Renaissance.

3. Explain the development of Renaissance art, including the significance of Leonardo da Vinci, Michelangelo, William Shakespeare, and systems of patronage.

4. Explain how Johannes Gutenberg's printing press affected the growth of literacy and diffusion of knowledge.

5. Explain the significant causes of the Protestant Reformation, including the selling of indulgences and Martin Luther's 95 Theses.

6. Compare and contrast heliocentric and geocentric theories of the Greeks (geocentric) and Copernicus (heliocentric).

7. Examine Galileo Galilei's theories and improvement of scientific tools, including the telescope and microscope.

M. Describe the geographic, political, economic, and cultural structures of Indigenous civilizations of the Americas.

1. Identify and locate the geographical features of the Americas, including the Andes Mountains, Appalachian Mountains, Great Plains, Pacific Ocean Mountains, Gulf of Mexico, Rocky Mountains, Atlantic Ocean, Mississippi River, Amazon River, South America, Caribbean Sea, North America, Yucatan Peninsula, and the Central Mexican Plateau.

2. Explain the effects of geographic features on Indigenous North American cultures (Northeast, Southeast, and Plains), including clothing, housing, and agriculture.

3. Describe the existence of diverse networks of Indigenous North American cultures, including varied languages, customs, and economic and political structures.

4. Explain the effects of geographic features and climate on the agricultural practices and settlement of the Aztec and Inca civilizations.

5. Explain how the Aztec built and controlled a powerful empire that covered much of what is now central Mexico.

6. Describe Aztec religious beliefs and how they were linked to the traditions of the society.

7. Describe Tenochtitlán and the surrounding landscape, including aqueducts, massive temples, and Chinampa agriculture.

8. Identify Moctezuma II and describe features of his reign.

9. Explain how the Inca built and organized their empire and how Inca engineers overcame challenges presented by the geography of the land.

10. Explain how the Inca kept their empire together without a written language.

N. Analyze the motivations for the movement of people from Europe to the Americas and describe the effects of exploration by Europeans.

1. Analyze why European countries were motivated to explore the world, including religion, political rivalry, and economic gain.

2. Identify the significance of the voyages and routes of discovery of the following explorers by their sponsoring country: England: Henry Hudson; France: Jacques Cartier; Portugal: Vasco da Gama, Bartolomeu Dias; Spain: Christopher Columbus, Hernando de Soto, Ferdinand Magellan, and Amerigo Vespucci.

3. Describe Prince Henry the Navigator's influence on exploration, voyages, cartographic improvements, and tools related to exploration, including the compass, caravel, and astrolabe.

4. Describe how the Aztec and Inca empires were eventually defeated by Spanish Conquistadors.

5. Explain the impact of the Columbian Exchange on people, plants, animals, technology, culture, ideas, and diseases among Europe, Africa, Asia, and the Americas in the fifteenth and sixteenth centuries, and examine the major effects on each continent.

6. Explain how Spanish colonization introduced Christianity, the mission system, and the encomienda system to the Americas as well as the transition to African slavery.

7. Describe the development of the transatlantic slave trade and the experiences of enslaved people in the Americas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1772 (July 2022).

Chapter 15. Grade 6—The United States and Louisiana: Beginnings through Ratification

§1501. Introduction

A. Beginning with the exploration of colonization of North America, this course offers a chronological study of major events, issues, movements, individuals, and groups of people in the United States from a national and a Louisiana perspective. In this course, students will examine: British and French exploration and colonization, the development of the British thirteen colonies; French and Spanish Colonial Louisiana, the American Revolution, and the development and ratification of the U.S. Constitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1772 (July 2022).

§1503. Standards

A. Explain ideas, events, and developments in the history of the United States of America from 1580 to 1791 and how they progressed, changed, or remained the same over time.

B. Analyze connections between ideas, events, and developments in U.S. history within their global context from 1580 to 1791.

C. Compare and contrast events and developments in U.S. history from 1580 to 1791.

D. Use geographic representations and historical data to analyze events and developments in U.S. history from 1580 to 1791, including environmental, cultural, economic, and political characteristics and changes.

E. Use maps to identify absolute location (latitude and longitude) and describe geographical characteristics of places in Louisiana, North America, and the world.

F. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts;
4. explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;

3. analyze causes and effects;
4. evaluate counterclaims.

H. Analyze European exploration and colonization of North America.

1. Explain the significance of the land claims made in North America by European powers after 1600, including England, France, the Netherlands, Portugal, Russia, Spain, and Sweden and their effects on Native Americans.

2. Compare and contrast the motivations, challenges, and achievements related to exploration and settlement of North America by the British, Dutch, French, and Spanish, including the search for wealth, freedom, and a new life.

I. Analyze the development of the settlements and colonies in the late sixteenth century through the seventeenth century.

1. Explain the importance of the founding and development of Jamestown, including representative government established through the House of Burgesses, private ownership of land, introduction of slavery, and arrival of women and families.

2. Explain the importance of the founding and development of the Plymouth settlement, including practice of self-government established by the Mayflower Compact, religious freedom, and contributions of Native Americans, including Chief Massasoit and Squanto, and the leadership of William Bradford.

3. Compare and contrast the New England, Middle, and Southern colonies, including their physical geography, religion, education, economy, and government.

4. Explain the contributions of key individuals and groups to the foundation of the colonies, including Pilgrims, Puritans, Quakers, John Smith, Roger Williams, Anne Hutchinson, William Penn, Edward Winslow, William Bradford, John Winthrop, John Rolfe, and Pocahontas.

5. Identify the locations of the colonies and lands inhabited by Native Americans, and explain how location, environment, and resources affected changes and development over time.

6. Analyze the causes, interactions, and consequences related to triangular trade, including the forced migration of Africans through the transatlantic trade of enslaved people and experiences of the Middle Passage.

7. Explain the experiences and perspectives of various people groups living in colonial North America, including large landowners, farmers, artisans, women, children, indentured servants, enslaved people, and Native Americans.

8. Analyze cooperation, competition, and conflict among groups in North America from the late 1500s to the mid-1700s, including Dutch, English, French, Spanish, and Native Americans including the 1621 Autumn Harvest Celebration, French and Native American trade of fur, Bacon's Rebellion, and King Philip's (Metacom) War.

J. Analyze the growth and development of colonial Louisiana.

1. Explain the significance of events that influenced pre-colonial and colonial Louisiana, including the founding of Natchitoches and New Orleans, the Treaty of Fontainebleau, and the Third Treaty of San Ildefonso.

2. Describe the factors that influenced migration within and to Louisiana by various groups, including French, Spanish, Africans, Acadians, Germans, Canary Islanders/Islenos, and Haitians, and explain how individuals

and groups interacted and contributed to the development of Louisiana.

3. Describe the characteristics of colonial Louisiana, including physical geography, climate, economic activities, culture and customs, and government, and analyze their importance to the growth and development of Louisiana.

4. Explain the influence of France and Spain on government in Louisiana, with an emphasis on the Napoleonic Code, the Code Noir, and the contributions of Jean-Baptiste Le Moyne de Bienville, John Law, King Louis XIV, and Alejandro O'Reilly.

5. Describe the contributions and achievements of Gens de Couleur Libres in colonial Louisiana.

6. Compare and contrast French and Spanish colonial Louisiana and colonial Louisiana and British colonies.

K. Analyze the causes, course, and consequences of the American Revolution.

1. Analyze the historical and religious factors that influences the development of government in the United States, including those from ancient Greece; the Roman Republic; the Judeo-Christian tradition; English rule of law and the Magna Carta; Enlightenment philosophies; and the Great Awakening.

2. Explain the causes and effects of the French and Indian War.

3. Analyze the role and importance of key events and developments leading to the American Revolution, including end of Salutary Neglect by King George III, French and Indian War, Proclamation of 1763, Acts of 1764–1773 (Sugar Act, Stamp Act, Quartering Act, Townshend Acts, Tea Act), Boston Massacre and the death of Crispus Attucks, Boston Tea Party, Coercive (Intolerable) Acts, First Continental Congress, Restraining Acts, the seizure of firearms, and Second Continental Congress.

4. Explain how key ideas expressed in historical works influenced the American Revolution, including "taxation without representation is tyranny" (John Otis), John Dickinson's *Letters from a Farmer in Pennsylvania*, Patrick Henry's "Give Me Liberty or Give Me Death" speech, Thomas Paine's *Common Sense*, and the Declaration of Independence ("all men are created equal," "endowed by their Creator with certain unalienable rights, . . . among these are life, liberty, and the pursuit of Happiness," and "the consent of the governed").

5. Explain efforts to mobilize support for the American Revolution by individuals and groups, including the Minutemen and Committees of Correspondence and Sons of Liberty (Samuel Adams, John Hancock, Paul Revere).

6. Compare and contrast viewpoints of Loyalists and Patriots, and evaluate their arguments for and against independence from Britain.

7. Compare and contrast the American colonies and British in the American Revolution, including leadership, military power, recruitment, alliances, population, and resources, and evaluate their strengths and weaknesses.

8. Explain the significance and outcome of key battles and turning points during the American Revolution, including the Battles of Lexington and Concord (1775), creation of the Continental Army and appointment of George Washington as Commander in Chief (1775), Battles of Trenton and Princeton (1776–1777), Battle of Saratoga

(1777), encampment at Valley Forge (1777–1778), Franco-American alliance (1778), Battle of Yorktown (1781), and the Treaty of Paris of 1783.

9. Explain the contributions of women to the American Revolution, including those of Abigail Adams, Mercy Otis-Warren, Mary Ludwig Hays, Deborah Sampson, Phyllis Wheatly, and Betsy Ross.

10. Explain the role of Spain and Spanish colonial Louisiana during the American Revolution and effects of the conflict on the colony, including the roles of Bernardo de Galvez, Battle of Lake Pontchartrain (1779), and Battle of Baton Rouge (1779).

11. Explain the role of espionage during the American Revolution, including the actions of spies for the colonies (Nathan Hale, Culper Spy Ring, John Clark, Enoch Crosby, Nancy Hart, and James Armistead Lafayette) and spies for Britain (Benedict Arnold).

L. Analyze the development of the U.S. political system through the ratification of the U.S. Constitution.

1. Explain the purpose and importance of the Articles of Confederation.

2. Describe the development of various state Constitutions and the effect of early abolitionists on the development of state government, including Olaudah Equiano, Benjamin Banneker, and Elizabeth Freeman.

3. Explain the ideas and events leading to the ratification of the Constitution of the United States, including inadequacies of the Articles of Confederation and Shays Rebellion.

4. Evaluate the major issues debated at the Constitutional Convention, including the key characteristics and features of the Articles of Confederation, the division and sharing of power between the federal and state governments (federal system), the Great Compromise, and slavery (Three-Fifths Compromise).

5. Explain how the ideas of leading figures and Founding Fathers contributed to the Constitutional Convention and development of the U.S. government, including John Adams, Benjamin Franklin, Alexander Hamilton, Thomas Jefferson, James Madison, George Mason, William Patterson, Roger Sherman, George Washington, and James Wilson.

6. Explain the importance of ideas expressed in the Preamble to the Constitution of the United States, including the purpose and responsibilities of government and the concept of self-government.

7. Explain the significance of the Commerce Clause, including its role in establishing a constitutional relationship between Native Americans and the U.S. government.

8. Evaluate the arguments of Federalists and Anti-Federalists on the ratification of the Constitution expressed in the Federalist Papers and the writings of the Anti-Federalists.

9. Explain how and why the Constitution of the United States was amended to include the Bill of Rights, and analyze the guarantees of civil rights and individual liberties protected in each of the first ten amendments.

10. Analyze the key principles of government established by the Constitution of the United States, including federalism (enumerated, reserved, and concurrent powers), individual rights, judicial review, limited government, popular sovereignty and consent of the

governed, rule of law, separation of powers, and a system of checks and balances.

11. Explain the structure and processes of the United States government as outlined in the Constitution of the United States, including the branches of government, how a bill becomes a law at the federal level, and the process for amending the United States Constitution.

12. Explain the structure, powers, and functions of the branches of the United States federal government (legislative, executive, and judicial), and describe the qualifications, roles, and responsibilities of elected and appointed government officials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1773 (July 2022).

Chapter 17. Grade 7—The United States and Louisiana: The Early Republic through Reconstruction

§1701. Introduction

A. Beginning with the presidency of George Washington, this course offers a chronological study of major events, issues, movements, individuals, and groups of people in the United States from a national and a Louisiana perspective. In this course students will examine the development of the early republic, the Louisiana Purchase, the War of 1812, westward expansion, social and political reform movements of the nineteenth century, the growth of nationalism and sectionalism, the Civil War, and the Reconstruction period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1773 (July 2022).

§1703. Standards

A. Explain ideas, events, and developments in the history of the United States of America from 1791 to 1877 and how they progressed, changed, or remained the same over time.

B. Analyze connections between ideas, events, and developments in U.S. history within their global context from 1791 to 1877.

C. Compare and contrast events and developments in U.S. history from 1791 to 1877.

D. Use geographic representations and historical data to analyze events and developments in U.S. history from 1791 to 1877, including environmental, cultural, economic, and political characteristics and changes.

E. Use maps to identify absolute location (latitude and longitude) and describe geographical characteristics of places in Louisiana, North America, and the world.

F. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts;
4. explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;

3. analyze causes and effects;
4. evaluate counterclaims.

H. Analyze the influence of key events, ideas, and people on the economic, political, and social development of the United States from 1791–1850s.

1. Explain the causes and events of the Whiskey Rebellion, including the response from the Washington administration and its relationship to enforcement of the government’s right to tax.

2. Explain the influence of precedents set by the presidency of George Washington, and analyze the advice in and effects of his Farewell Address.

3. Analyze key events in the presidency of John Adams, including the Alien and Sedition Act and XYZ affair.

4. Explain the significance of the election of 1800.

5. Explain how the disagreements between Thomas Jefferson and Alexander Hamilton resulted in the emergence of the Federalist and Democratic-Republican political parties, including views on foreign policy, Alien and Sedition Acts, economic policy, National Bank, funding and assumption of the revolutionary debt.

6. Describe the role of the Electoral College in presidential elections, including how it aims to ensure representation of less populated states.

7. Explain how the U.S. government addressed foreign and domestic challenges during the late 1700s to the mid-1800s and how related policies and legislation influenced the development of the United States.

8. Analyze the major events of Thomas Jefferson’s presidency, including the Louisiana Purchase, Lewis and Clark expeditions, Dunbar-Hunter Expedition of Ouachita River, Red River Expedition, and Twelfth Amendment.

I. Analyze the causes, course of, and consequences of the War of 1812.

1. Explain the events leading to the War of 1812, including Britain’s war with Napoleonic France, impressment, and blockades, and analyze the political and economic effects on the United States.

2. Explain key events, turning points and outcomes of the War of 1812, including blockades, Battle of Lake Erie (1813), Burning of Washington (1814), Battle of New Orleans (1814), Battles of Baltimore and Lake Champlain (1814), penning of the Star Spangled Banner, and the Treaty of Ghent (1814).

3. Analyze the interests and motivations of Native American groups aligned with the United States and with Britain during the War of 1812, including Chief Tecumseh.

4. Explain the importance and effects of the Battle of New Orleans to Louisiana, and describe the roles played by General Andrew Jackson and Jean Lafitte.

5. Explain the events leading to and surrounding Louisiana statehood, including the Neutral Strip, the West Florida controversy, and the capture of the Spanish Fort at Baton Rouge, as well as key figures including Julien de Lallande Poydras.

J. Analyze the growth and development of the United States from the early to mid-1800s.

1. Describe the Era of Good Feelings (1815–1825), including Henry Clay’s American System, Treaty of 1818, Adams-Onis Treaty of 1819, and the development of transportation networks.

2. Analyze the purpose of the Monroe Doctrine (1823), with emphasis on its policies of both isolationism and protection of American interests in the Western Hemisphere, and how it influenced U.S. foreign policy and interactions with other nations.

3. Analyze the effects of *Marbury v. Madison* (1803), *McCulloch v. Maryland* (1819), *Gibbons v. Ogden* (1824), and *Worcester v. Georgia* (1832).

4. Analyze the ideas and motivations that contributed to westward expansion, including Manifest Destiny, and its political, social, and economic effects.

5. Analyze the causes and effects of Indian Removal policies of the early to mid-1800s, including the Indian Removal Act of 1830, Trail of Tears, and Seminole Wars, and explain the role of key figures, including Andrew Jackson, Chief John Ross, and Chief Osceola.

6. Analyze key events and developments that contributed to westward expansion, including the Oregon Treaty (1846), annexation of Texas (1845), Treaty of Guadalupe Hidalgo (1848), Gadsden Purchase (1853), the Pony Express (1860), Pacific Railway Act (1862), and Homestead Act (1862).

7. Explain the motivation and means of migration West, the experiences of the settlers, and resulting changes in the West, including the Gold Rush (1848–1855), trails (Oregon Trail, Mormon Trail, and Santa Fe Trail), first transcontinental telegraph, and the transcontinental railroad.

8. Describe the causes, course, and consequences of the Mexican-American War, including the Battle of the Alamo, Battle of San Jacinto, annexation of Texas, the Mexican Cession and Zachary Taylor’s role in the war and subsequent election to the presidency.

9. Explain the causes and effects of the first Industrial Revolution in the United States, including advancements in technology, increased manufacturing, changing labor conditions, growing transportation systems, and urbanization.

10. Analyze the development of the agrarian economy in the South, including Louisiana, and explain how advancements in technology, such as the cotton gin and multiple-effect evaporator for sugar, contributed to an increase in enslaved labor.

11. Explain how steamboats influence Louisiana’s economic growth and the significance of Captain Henry Miller Shreve in steamboat navigation.

12. Compare and contrast the economies of the North and the South during the early to mid-1800s.

13. Describe push and pull factors for immigration to the United States in the early to mid-1800s, and explain how migration within and to the United States affected rural and urban areas.

K. Analyze role and importance of social and political reform movements of the nineteenth century.

1. Analyze the key people, ideas, and events of the women’s rights movement and woman’s suffrage movement of the early to mid-1800s, including the Seneca Falls Convention, National Women’s Rights Conventions, Susan B. Anthony, Elizabeth Cady Stanton, Lucretia Mott, Sojourner Truth, Mary Church Terrell, and Margaret Fuller.

2. Explain the development of education and prison reform movements, including those led by Horace Mann and Dorothea Lynde Dix.

3. Explain the effects of abolition efforts by key individuals and groups, including Sojourner Truth, William Lloyd Garrison, and the Quakers.

4. Analyze the historical works and ideas of influential abolitionists, including Frederick Douglass' speech "The Constitution of the United States: Is It Pro slavery or Anti slavery?" and Harriet Beecher Stowe's Uncle Tom's Cabin.

5. Describe the purpose, challenges, routes, and successes of the Underground Railroad and the key role played by Harriet Tubman.

6. Explain restrictions placed on the trade of enslaved people prior to the Civil War, including the Northwest Ordinance of 1787 and the Act Prohibiting Importation of Slaves of 1807.

L. Explain the ideas, key people and events related to the growth of sectionalism and rising tension prior to the Civil War.

1. Analyze major events, legislation, and court decisions from 1800 to 1861 that led to increasing sectionalism, including the Missouri Compromise of 1820, *North Carolina v. Mann* (1830), the Nullification Crisis (1831–1833), the Compromise of 1850, the Fugitive Slave Acts (1793, 1850), the Kansas-Nebraska Act (1854), and the *Dred Scott* decision (1857).

2. Describe the reasons for the formation of the Republican Party in 1854 and its founding platform.

3. Compare and contrast various arguments on the issue of slavery and state's rights, including those expressed in the Lincoln-Douglas debates and during the 1860 presidential campaign.

4. Explain the causes of and reactions to rebellions and raids, including the German Coast Uprising, Nat Turner's Rebellion, and John Brown's Raid on Harpers Ferry and subsequent trial.

5. Analyze Lincoln's First Inaugural Address, and explain how the ideas expressed affected the cause and course of the Civil War.

M. Analyze the causes, course, and consequences of the Civil War.

1. Explain why the Confederate states seceded from the Union.

2. Explain Louisiana's decision to secede from the Union and its effects, including the state seizure of federal properties in Louisiana (the United States Arsenal and Barracks at Baton Rouge; United States Branch Mint).

3. Describe the events leading to, significance of, and reaction to the Battle of Fort Sumter, including Lincoln's call for 75,000 volunteers.

4. Describe the importance and outcomes of the major military engagements of the Civil War, including Manassas, Shiloh, Capture of New Orleans, Antietam, Gettysburg, Vicksburg, Siege of Port Hudson, Sherman's March to the Sea, and the surrender at Appomattox.

5. Describe the roles and experiences of soldiers, women, enslaved people, and freed people during the Civil War.

6. Analyze the role of Louisiana in the Civil War and how the conflict affected Louisiana and its people, including the importance of its ports and the occupation of New Orleans.

7. Analyze the purpose, significance, and consequences of the Emancipation Proclamation.

8. Describe the roles and contributions of key individuals in the Civil War, including Jefferson Davis, Robert E. Lee, Thomas Stonewall Jackson, PGT Beauregard, Mary Walker, Clara Barton, Ulysses S. Grant, William Tecumseh Sherman, Robert Smalls, and the Louisiana Tigers.

9. Analyze Lincoln's Gettysburg Address and Second Inaugural Address, and explain how the ideas expressed affected the course of the war and show how ideas about equality changed over time.

10. Describe the significance of Lincoln's assassination, and how it affected the nation.

N. Analyze the major events, key people, and effects of Reconstruction.

1. Compare and contrast plans for Reconstruction, including Lincoln's Ten Percent Plan, President Johnson's Plan, and the Radical Republican Plan for Reconstruction.

2. Analyze the development and effects of tenant farming and the sharecropping system in the postwar South.

3. Explain how federal action affected the expansion of individual rights and freedoms during the Reconstruction era, including through the Thirteenth Amendment, Freedmen's Bureau, Civil Rights Bill of 1866, Reconstruction Act of 1867, Fourteenth Amendment, Fifteenth Amendment, and analyze the challenges, achievements, and effectiveness of each.

4. Explain the rise of violence and intimidation of Black Americans by groups, including the Ku Klux Klan, White League and Red Shirts and describe the significance of the Opelousas and Colfax Massacres.

5. Describe the role and motivations of carpetbaggers and scalawags during Reconstruction.

6. Explain the roles of Black politicians in Southern states during Reconstruction, including Oscar Dunn and P.B.S. Pinchback.

7. Explain how the presidential election of 1876 and the Compromise of 1877 led to the end of Reconstruction, and analyze short-term effects of the collapse of Reconstruction, including the decline of Black Americans in elected offices and loss of enforcement of the Fourteenth and Fifteenth Amendments.

8. Analyze how Black Codes affected the lives of Black Americans, including the restriction rights to own and lease property, conduct business, bear arms, and move freely through public spaces.

9. Analyze how national events and amendments to the U.S. Constitution influenced Louisiana from the 1860s to 1877, including changes to the Louisiana Constitution.

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Chapter 19. Grade 8—The United States and Louisiana: Industrial Age through the Modern Era

§1901. Introduction

A. Beginning with the Second Industrial Revolution, this course offers a chronological study of major events, issues, movements, individuals, and groups of people in the United

States from a national and a Louisiana perspective. In this course students will examine: the rise of the United States as an industrial and world power, World War I, the Great Depression, Huey P. Long, The Great Flood of 1927, World War II, the Cold War, the Civil Rights movement, and the modern era.

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§1903. Standards

A. Explain ideas, events, and developments in the history of the United States of America from 1877 to 2008 and how they progressed, changed, or remained the same over time.

B. Analyze connections between events and developments in U.S. history within their global context from 1877 to 2008.

C. Compare and contrast events and developments in U.S. history from 1877 to 2008.

D. Use geographic representations and historical data to analyze events and developments in U.S. history from 1877 to 2008, including environmental, cultural, economic, and political characteristics and changes.

E. Use maps to identify absolute location (latitude, and longitude) and describe geographical characteristics of places in Louisiana, North America, and the world.

F. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts;
4. explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. analyze causes and effects;
4. evaluate counterclaims.

H. Analyze the causes and effects of technological and industrial advances during the late nineteenth century and the early 20th century.

1. Analyze factors that contributed to and effects of the growth of the industrial economy, including capitalism and the growth of free markets, mass production, agricultural advancements, the government's laissez-faire economic policy, and the rise of corporations.

2. Explain the social and economic effects of innovations in technology, transportation, and communication during the late 1800s and early 1900s, including the expansion of railroads, electricity, and telephone.

3. Explain how industrialists and corporations revolutionized business and influenced the U.S. economy and society, with an emphasis on business practices (vertical and horizontal integration, formation of monopolies/trusts), development of major industries (oil, steel, railroad, banking), and the role of entrepreneurs, including Andrew Carnegie, J.P. Morgan, John D. Rockefeller, Cornelius Vanderbilt, and Madam C.J. Walker.

I. Analyze the social, political, and economic changes that developed in the United States during the late nineteenth and early twentieth century.

1. Explain how industrialization influenced the movement of people from rural to urban areas and the effects of urbanization.

2. Explain the causes and effects of immigration to the United States during the late 1800s and early 1900s, and compare and contrast experiences of immigrants.

3. Describe the working conditions and struggles experienced by the labor force that led to the labor movement (child labor, hours, safety, wages, standard of living), and evaluate the effectiveness of efforts to improve conditions.

4. Describe the reasons for and effects of the rise of Populism in the United States and Louisiana during the late 1800s, including the role of the Grange, Farmers' Alliance, and Peoples Party.

5. Analyze the causes and outcomes of the Progressive movement and the role of muckrakers, including the Meat Inspection Act, Pure Food and Drug Act, Seventeenth Amendment, Thomas Nast, Ida Tarbell, Upton Sinclair, and Jacob Riis.

6. Analyze the government's response to the rise of trusts and monopolies, including the passage of the Interstate Commerce Act of 1887, the Sherman Antitrust Act of 1890, and the Clayton Antitrust Act of 1914.

7. Describe important ideas and events of presidential administrations during the late 1800s and early 1900s, with emphasis on Theodore Roosevelt's administration and his support for trust busting, regulation, consumer protection laws, and conservation.

8. Explain the origins and development of Louisiana public colleges and universities, including land grant institutions, Historically Black Colleges and Universities, and regional universities.

9. Analyze the events leading to Plessy v. Ferguson (1896) and the consequences of the decision, including changes to the Louisiana Constitution.

10. Explain the emergence of the Jim Crow system and how it affected Black Americans.

11. Explain the goals and strategies used by the African American civil rights leaders of the late 1800s and early 1900s, and analyze differing viewpoints of key figures and groups, including W.E.B. DuBois and the Niagara Movement, Booker T. Washington, NAACP, Mary Church Terrell, and Ida B. Wells.

J. Analyze ideas and events related to the expansion of the United States during the late nineteenth century and early twentieth century.

1. Explain the motivations for migration to and settlement of the West by various groups, including Exodusters, and how their motivations relate to the American Dream.

2. Analyze Frederick Turner's "The Significance of the Frontier in American History."

3. Analyze how lives of Native Americans changed as a result of westward expansion and U.S. policies, including extermination of the buffalo, reservation system, Dawes Act, and assimilation.

4. Analyze the causes and effects of conflict between Native Americans and the U.S. government and settlers

during the late nineteenth century and early 20th century, including the Battle of Little Bighorn and Wounded Knee and subsequent treaties.

5. Analyze the events leading to and effects of the U.S. acquisition of Hawaii.

6. Analyze the ideas and events leading to the Spanish-American War and the short- and long-term outcomes, including the terms of the Treaty of Paris (1898), U.S. acquisition of Spanish territories, and emergence of the United States as a world power.

7. Analyze foreign policy achievements of Theodore Roosevelt, including the construction of the Panama Canal and use of the Great White Fleet.

K. Analyze the causes, course and consequences of World War I.

1. Describe the causes of World War I, including militarism, alliances, imperialism, nationalism, and the assassination of Archduke Franz Ferdinand.

2. Explain the reasons for the initial U.S. policy of neutrality and isolationism.

3. Analyze the events leading to U.S. involvement in World War I, including German submarine warfare, the sinking of the Lusitania and the Zimmerman Telegram.

4. Analyze how the United States mobilized for war and ways the American people contributed to the war effort on the home front and abroad, with an emphasis on military service, role of women and minority groups, liberty bonds, and victory gardens.

5. Explain how the U.S. government directed public support and responded to dissent during World War I, including through the use of wartime propaganda, Committee on Public Information, Espionage Act, Sedition Act, and *Schenck v. United States* (1919).

6. Explain how military strategies and advances in technology affected warfare and the course of World War I, including trench warfare, airplanes, machine guns, poison gas, submarines, and tanks.

7. Describe the goals of leaders at the Paris Peace Conference, comparing Woodrow Wilson's Fourteen Points, and the Treaty of Versailles.

8. Explain the reaction of the U.S. Congress to the Treaty of Versailles and League of Nations, and describe the return to isolationism after the war.

L. Analyze the political, social, cultural and economic effects of events and developments during the early 20th century.

1. Differentiate between the benefits and detriments of capitalism and communism, and explain how the concepts affected society during the early 1900s, including the Bolshevik Revolution and the first Red Scare.

2. Describe the causes and consequences of Prohibition and the Eighteenth Amendment, including bootlegging and organized crime, and the later repeal with the Twenty-First Amendment.

3. Explain how advances in transportation, technology, and media during the early 20th century changed society and culture in the United States, including the automobile, radio, and household appliances.

4. Explain the importance of the woman's suffrage movement and events leading to the passage of the Nineteenth Amendment, including the role of key figures

such as Susan B. Anthony, Lucy Burns, Carrie Chapman Catt, Alice Paul, Elizabeth Cady Stanton, Lucy Stone, and Ida B. Wells.

5. Explain the causes and effects of social and cultural changes of the 1920s and 1930s on the United States, and describe the influence of notable figures of the Harlem Renaissance (Louis Armstrong, Duke Ellington, Ella Fitzgerald, Langston Hughes, Zora Neale Hurston, Sargent Claude Johnson, Augusta Savage) and cultural figures (Amelia Earhart, Ernest Hemingway, Jacob Lawrence, Jesse Owens, and Babe Ruth).

6. Explain how various factors affected Louisiana's economy during the early twentieth century, including booms in the timber, oil, and gas industries.

7. Describe the causes of the Great Mississippi River Flood of 1927, and explain how the disaster and government response affected Louisianans.

8. Analyze Louisiana politics in the early 20th century, including the role of Huey Long's career in both Louisiana and national politics.

9. Explain the causes and effects of migration and population shifts in the United States during the early 20th century, including the Great Migration.

10. Analyze factors leading to and consequences of social and economic tensions in the early 20th century, including the 1918 influenza outbreak, recession and inflation, labor strikes, resurgence of the Ku Klux Klan, Chicago riot of 1919, and the Tulsa Massacre.

M. Analyze the causes and effects of the Great Depression.

1. Explain the causes of the Great Depression, with an emphasis on how bank failures, buying stock on margin, overextension of credit, overproduction, high tariffs and protectionism, and the 1929 stock market crash contributed to the economic crisis.

2. Explain the effects of the Great Depression on people, including rising unemployment, foreclosures, growth of "Hoovervilles," and soup kitchens.

3. Describe the causes and effects of the Dust Bowl, including agricultural practices, drought, and migration.

4. Describe the government response to the Great Depression, comparing the reaction of the Hoover and Roosevelt administrations.

5. Analyze the purpose and effectiveness of the New Deal, including the Civilian Conservation Corps (CCC), Tennessee Valley Authority (TVA), Agricultural Adjustment Act, National Recovery Administration, Public Works Administration, Glass-Steagall Act, Federal Deposit Insurance Corporation (FDIC), Securities Exchange Act (SEC), National Housing Act, Works Progress Administration (WPA), and the Social Security Act (SSA).

N. Describe the causes, course, and consequences of World War II.

1. Explain the rise and spread of militarism and totalitarianism internationally, examining the similarities and differences between the ideologies of Imperial Japan, fascist Italy and Nazi Germany, and the communist Soviet Union, as well as the origins and effects of violence and mass murder in the 1930s and 1940s as demonstrated by the Nanjing Massacre, the Holodomor, the Holocaust, and treatment of political opponents and prisoners of war during World War II.

2. Describe the acts of aggression leading to World War II in both Europe and Asia, and explain the effectiveness of policies and reactions, including the policy of appeasement towards Nazi Germany.

3. Describe the causes of World War II, and analyze events that led to U.S. involvement in World War II, with emphasis on the attack on Pearl Harbor.

4. Describe the role of alliances during World War II, including the Allies and Axis Powers.

5. Explain the significance of major military actions and turning points during World War II in the Atlantic Theater (Battle of The Atlantic, Operation Torch, Battle of Normandy/Operation Overlord, Battle of The Bulge, Battle of Berlin) and the Pacific Theater (Battle of Bataan and Bataan Death March, Doolittle Raid, Battle of the Coral Sea, Battle of Midway, Battle of Leyte Gulf, Battle of Iwo Jima, Battle of Okinawa).

6. Describe the roles and importance of key figures of World War II, including leaders from the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, George Patton, Douglas MacArthur), Great Britain (Sir Winston Churchill), France (Charles de Gaulle), the Soviet Union (Joseph Stalin), Germany (Adolf Hitler), Italy (Benito Mussolini), and Japan (Michinomiya Hirohito, Hideki Tojo).

7. Explain the causes and consequences of the Holocaust, including anti-Semitism, Nuremberg Laws restricting civil rights, resistance efforts, concentration camp system, liberation of camps by the Allies, and Nuremberg trials.

8. Describe the Tuskegee Study conducted on Black Americans from the 1930s to 1972.

9. Explain the causes and effects of Japanese internment in the United States during World War II.

10. Explain the sacrifices and contributions of U.S. soldiers during World War II such as the Tuskegee Airmen, the 442nd Regimental Combat team, the 101st Airborne, Cajun “Frenchies”, the Women’s Army Corps (WAC), and the Navajo Code Talkers.

11. Analyze how Louisiana contributed to the war effort during World War II and the effects of the war on Louisiana, including the role of the Louisiana Maneuvers, Higgins Boats in the success of the Allies, and prisoner of war (POW) camps in Louisiana.

12. Explain how life in the United States changed during and immediately after World War II, with an emphasis on wartime production and the workforce, rationing, conservation, victory gardens, financing through war bonds, propaganda campaigns, and the Servicemen’s Readjustment Act (GI Bill).

13. Explain the events that led to, and the conditions of the surrender of the Axis Powers in Europe and Asia, and describe the United States’ critical role in the Allied victory.

14. Describe the importance of the Manhattan Project and development of atomic bombs, and analyze the decision to use them.

15. Explain how key decisions from Allied conferences during World War II, including the Atlantic Charter, Tehran, Yalta, and Potsdam, affected the course of the war and postwar world.

O. 8.15 Analyze causes, major events, and key leaders of the Civil Rights Movement from 1954 to 1968.

1. Analyze events during and immediately after World War II leading to the civil rights movement, including Executive Order 8022 and Executive Order 9981.

2. Explain the origins and goals of the civil rights movement of the 1950s and 1960s, and how segregation (de jure and de facto) affected African Americans and influenced the movement.

3. Analyze how the murder of Emmett Till affected support for the civil rights movement.

4. Analyze the importance of the Brown v. Board of Education (1954) decision and subsequent efforts to desegregate schools, including those of the Little Rock Nine at Central High School in Arkansas, Ruby Bridges at William Frantz Elementary in Louisiana, and James Meredith at the University of Mississippi.

5. Analyze the cause, course, and outcome of efforts to desegregate transportation, including the Baton Rouge Bus Boycott, Montgomery Bus Boycott, and Freedom Rides.

6. Evaluate the effectiveness of methods (civil disobedience, boycotts, sit-ins, marches, drives) during the civil rights movement, including during the 1960 Greensboro sit-ins, 1963 demonstrations in Birmingham, 1963 March on Washington, 1964 Freedom Summer, and 1965 Selma Marches.

7. Analyze works of civil rights leaders, including Dr. King’s “Letter from Birmingham Jail” and his “I Have a Dream” speech, and explain how the ideas expressed in the works influenced the course of the civil rights movement.

8. Explain the role and importance of key individuals and groups of the civil rights movement, including the Congress of Racial Equality (CORE), Dr. Martin Luther King Jr, Rosa Parks, the Southern Christian Leadership Conference (SCLC), the Student Nonviolent Coordinating Committee (SNCC), Medgar Evers, Shirley Chisholm, Fannie Lou Hamer, and Malcolm X.

9. Explain reactions to the civil rights movement by opposing individuals and groups, including George Wallace and Leander Perez.

10. Analyze the role of the Supreme Court in advancing civil rights and freedoms during the 1950s and 1960s, including the court cases of Brown v. Board of Education (1954), Boynton v. Virginia (1960), and Bailey v. Patterson (1962).

11. Evaluate legislation and amendments passed in response to the civil rights movement, including the Twenty-Fourth Amendment, Civil Rights Act of 1964, Voting Rights Act of 1965, and Civil Rights Act of 1968.

P. Explain the causes, course, and consequences of the Cold War.

1. Explain how the ideologies of communism in the Soviet Union and capitalism in the United States influenced the Cold War and global tensions from 1945–1989.

2. Evaluate the effectiveness of U.S. policies, programs, and negotiation efforts in accomplishing their intended goals, including the Marshall Plan, containment and related doctrines, mutual assured destruction, détente, Strategic Arms Limitation Talks (SALT I and II), and Strategic Defense Initiative (Star Wars program).

3. Analyze Cold War crises and conflicts and how they contributed escalating tensions, including the Berlin Blockade and Airlift, Korean War, Suez Crisis, U-2 Incident, Cuban Missile Crisis, Bay of Pigs Invasion, Berlin Crisis of 1961, and Vietnam War, Soviet-Afghan War.

4. Describe the role of organizations and alliances during the Cold War, including the United Nations, NATO, and the Warsaw Pact.

5. Explain how events during the Cold War affected American society, including the Second Red Scare and McCarthyism.

6. Explain how advances in technology and media during the mid- to late twentieth century changed society and public perception, including newspapers and television, the space race, and the nuclear arms race.

7. Explain events and policies leading to the end of the Cold War and collapse of the Soviet Union under the leadership of President Reagan, including political and economic pressures, policies of glasnost and perestroika, and the fall of the Berlin Wall.

Q. Describe the importance of key ideas, events, and developments of the modern era.

1. Explain how events and developments of the modern era have affected American society.

2. Explain how relationships between the United States and Middle East affected events and developments during the modern era, including Persian Gulf Wars, 1993 World Trade Center bombing, terrorist attacks on September 11, 2001, the War on Terrorism, and the establishment of the Department of Homeland Security.

3. Describe the effects of natural disasters on Louisiana and the United States, including hurricanes Katrina and Rita.

4. Describe important issues of the 2008 presidential election and the significance of the election of Barack Obama.

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Chapter 21. High School—Civics

§2101. Introduction

A. In the high school civics course, students broaden and deepen their understanding of the origin, structure, and functions of government. This course is designed to provide students with both the practical knowledge about how the American system of government functions on local, state and national levels, as well as an understanding of the philosophical and intellectual underpinnings of our constitutional republic.

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§2103. Standards

A. Evaluate continuity and change in U.S. government, politics, and civic issues throughout U.S. history, including those related to the powers of government, interpretations of founding documents, voting trends, citizenship, civil liberties, and civil rights.

B. Analyze causes and effects of events and developments in U.S. history, including those that influenced laws, processes, and civic participation.

C. Compare and contrast events and developments in U.S. history and government.

D. Explain connections between ideas, events, and developments related to U.S. history and government, and analyze recurring patterns, trends, and themes.

E. Use geographic representations, demographic data, and geospatial representations to analyze civic issues and government processes.

F. Use a variety of primary and secondary sources to:

1. analyze social studies content;

2. evaluate claims, counterclaims, and evidence;

3. compare and contrast multiple sources and accounts;

4. explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. analyze causes and effects;

4. evaluate counterclaims.

H. Analyze factors that influenced the Founding Fathers and the formation and development of the government of the United States.

1. Describe the purpose of government and competing ideas about the role of government in a society.

2. Compare different systems and structures of government, including constitutional republic and autocracy, direct democracy and representative democracy, presidential system and parliamentary system, unicameral and bicameral legislatures, and unitary, federal, and confederate systems.

3. Explain historical and philosophical factors that influenced the government of the United States, including Enlightenment philosophers such as Thomas Hobbes, John Locke, Charles de Montesquieu, Jean-Jacques Rousseau, as well as the Great Awakening.

4. Analyze the foundational documents and ideas of the United States government and its formation, including Magna Carta, the Mayflower Compact, Enlightenment philosophies, English Bill of Rights, Declaration of Independence, the Articles of the Confederation, the Constitution of the United States of America, and the Federalist papers, and their role and importance in the origin and development of the nation.

5. Analyze the issues related to various debates, compromises, and plans surrounding the drafting and ratification of the 1789 Constitution of the United States.

6. Explain how the concept of natural rights that precede politics or government influenced the foundation and development of the United States.

7. Evaluate the fundamental principles and concepts of the U.S. government including Creator-endowed unalienable rights of the people, due process, equal justice under the law, equal protection, federalism, frequent and free elections in a representative government, individual responsibility; individual rights, limited government, private property rights, popular sovereignty, right to privacy, rule of law, the supremacy clause, and the separation of powers with checks and balances.

I. Analyze the structure, roles, responsibilities, powers, and functions of governments in the United States.

1. Compare and contrast the powers and responsibilities of local, state, tribal, (including Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, and the Tunica –Biloxi Indian Tribe), and federal governments, and explain how each is financed, how they interact with each other, and how citizens interact with and within each of them.

2. Explain the structure and processes of the U.S. government as outlined in the U.S. Constitution, including the branches of government; federalism; how a bill becomes a law at the federal level; and the process for amending the U.S. Constitution.

3. Analyze the structure, powers, and functions of the legislative branch of the U.S. federal government, including rules of operations of Congress; checks on the other branches of government; powers of the legislative branch such as those to make laws, declare war, tax and spend; and duties of representatives, senators, leadership (Speaker of the House, the Senate President Pro Tempore, majority and minority leaders, party whips), committees, and commissions.

4. Analyze the structure, powers, and functions of the executive branch of the U.S. federal government, including checks on other branches of government; powers of the executive branch such as those to carry out and enforce laws, issue executive orders, and conduct diplomacy with other nations; duties of the president, vice president, and Cabinet; presidential nominations, appointments, and confirmations; and the concept of the “bully pulpit.”

5. Analyze the structure, powers, and functions of the judicial branch of the U.S. federal government, including checks on the other branches of government; powers of the judicial branch such as those to interpret laws and decide the constitutionality of laws; nomination and appointment process of federal judges, origin of judicial review; and significance of *stare decisis*.

6. Evaluate the reasoning for Supreme Court decisions and their political, social, and economic effects, including *Marbury v. Madison* (1803); *McCulloch v. Maryland* (1819); *Gibbons v. Ogden* (1824); *Cherokee Nation v. Georgia* (1831); *Dred Scott v. Sandford* (1857); *Plessy v. Ferguson* (1896); *Schenck v. United States* (1919); *Korematsu v. United States* (1944); *Brown v. Board of Education* (1954); *Baker v. Carr* (1962); *Engel v. Vitale* (1962); *Gideon v. Wainwright* (1963); *Miranda v. Arizona* (1966); *Loving v. Virginia* (1967); *Tinker v. Des Moines* (1969); *New York Times Co. v. United States* (1971); *Wisconsin v. Yoder* (1972); *Roe v. Wade* (1973); *United States v. Nixon* (1974); *Shaw v. Reno* (1993); *United States v. Lopez* (1995); *Bush v. Gore* (2000); *McDonald v. Chicago* (2010); *Citizens United v. Federal Election Commission* (2010).

7. Analyze how the Constitution has been interpreted and applied over time by the legislative, executive, and judicial branches, including loose and strict constructionist interpretations.

8. Analyze how federal, state, and local governments generate and allocate revenues to carry out the functions of government.

9. Analyze continuity and change in the Louisiana State Constitution over time, and compare and contrast the Louisiana State Constitutions and the U.S. Constitution.

10. Explain the historical connections between Civil Law, the Napoleonic Code, and Louisiana’s system of laws.

J. Evaluate how civil rights and civil liberties in the United States have developed and been protected by the U.S. government over time.

1. Explain how the U.S. Constitution protects individual liberties and rights.

2. Analyze the rights enumerated in the Bill of Rights and their application to historical and current issues.

3. Evaluate restrictions and expansions of civil liberties and civil rights in the United States and the role of the legislative, executive, and judicial branches of the government in related events and developments over time, including the Thirteenth, Fourteenth, and Fifteenth Amendments; *Plessy v. Ferguson* (1896); the Espionage and Sedition Acts; *Schenck v. United States* (1919); the Nineteenth Amendment; Executive Order 9066; Executive Order 10730; *Brown v. Board of Education* (1954); the Civil Rights Act of 1964; the Voting Rights Act of 1965; the Twenty-Fourth Amendment; and Twenty-Sixth Amendment.

4. Describe equal protection and due process as defined by the U.S. Constitution, and explain how states subverted equal protection during the Jim Crow era.

K. Analyze political processes and the role of public participation in the United States.

1. Analyze the duties and responsibilities of citizens in the United States, including paying taxes, serving on a jury, obeying the law, voting, and running for elected office.

2. Describe U.S. citizenship requirements and the naturalization process in the United States.

3. Explain historical and contemporary roles of political parties, special interest groups, lobbies/lobbyists, and associations in U.S. politics.

4. Explain rules governing campaign finance and spending and their effects on the outcomes of local, state, and federal elections.

5. Explain election processes at the local, state, and federal levels, including qualifications and procedures for voting; qualifications and terms for offices; the primary system; public hearings and forums; petition, initiative, referendum, and recall; and amendments related to elections and voting.

6. Evaluate the purpose, structure, and function of the Electoral College, including how it aims to ensure representation for less populated states.

7. Analyze issues and challenges of the election process, including gerrymandering; at-large voting; voter turnout; and voter access policies.

8. Evaluate how the media affects politics and public opinion, including how public officials use the media to communicate with the people.

9. Evaluate the advantages and disadvantages of technologies in politics and government and how they affect media, civic discourse, and the credibility of sources.

10. Evaluate the processes for drawing Louisiana’s congressional districts and their effect on statewide and national elections.

11. Describe local and parish governments in Louisiana, including police juries and home rule charters.

L. Analyze the issues of foreign and domestic policy of the United States.

1. Distinguish between foreign and domestic policies, and analyze major U.S. foreign and domestic policies, including those in education; health care; immigration; naturalization; regulation of business and industry; foreign aid; and intervention abroad.

2. Analyze the development, implementation, and consequences of U.S. foreign and domestic policies over time, including how U.S. policies are influenced by other countries and how they influence political debates.

3. Analyze interactions between the United States and other nations over time and effects of those interactions.

4. Explain the origins and purpose of international organizations and agreements, including the United Nations, NATO, and NAFTA; and analyze how the United States and member nations work to cooperate politically and economically.

5. Describe the development of and challenges to international law after World War II and the Holocaust.

M. Explain elements of the United States economy within a global context and economic principles required to make sound financial decisions.

1. Explain ideas presented in Adam Smith's "The Wealth of Nations," including his ideas about free markets and the "invisible hand."

2. Compare and contrast capitalism and socialism as economic systems.

3. Describe different perspectives on the role of government regulation in the economy.

4. Analyze the role of government institutions in developing and implementing economic policies, and explain the effects of government policies on market outcomes, including both intended and unintended consequences.

5. Explain the factors that influence the production and distribution of goods by individuals and businesses operating in a market system, including monopolistic competition, perfect competition, monopoly, and oligopoly; credit; currencies; economic indicators; factors of production (land, labor, capital, entrepreneurship); goods and services; price; roles of consumers and producers; rule of law; and supply and demand.

6. Explain ways in which competition, free enterprise, and government regulation influence what is produced and allocated in an economy, including national and global consequences.

7. Explain the effects of specialization and trade on the production, distribution, and consumption of goods and services for individuals, businesses, and societies.

N. Apply economic principles to make sound personal financial decisions, including in regards to income, money management, spending and credit, and savings and investing.

1. Explain the relationship between education, training, and career options to future earning potential.

2. Apply given financial data to real life situations such as balancing a checking account, reading bank and credit card statements, purchasing major goods, and avoiding consumer fraud.

3. Explain the benefits and risks of using credit and examine the various uses.

4. Compare types of credit, savings, investment, and insurance services available to the consumer from various institutions.

5. Create a budget and explain its importance in achieving personal financial goals and avoiding negative financial consequences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

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Chapter 23. High School—United States History

§2301. Introduction

A. This course presents a cohesive and comprehensive overview of the history of the United States, surveying the major events and turning points of U.S. history as it moves from the Declaration of Independence through modern times. As students examine each era of history, they will analyze primary sources and carefully research events to gain a deeper understanding of the factors that have shaped U.S. history.

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§2303. Standards

A. Analyze ideas and events in the history of the United States of America from 1776 to 2008 and how they progressed, changed, or remained the same over time.

B. Analyze connections between events and developments in U.S. history within their global context from 1776 to 2008.

C. Compare and contrast events and developments in U.S. history from 1776 to 2008.

D. Use geographic representations and demographic data to analyze environmental, cultural, economic and political characteristics and changes.

E. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts;

4. explain how the availability of sources affects historical interpretations.

F. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. analyze causes and effects;
4. evaluate counterclaims.

G. Analyze the development of the United States from the American Revolution through the ratification of the U.S. Constitution and Early Republic.

1. Explain the historical context of and the events leading to the signing of the Declaration of Independence including the Boston Massacre, Boston Tea Party, Patrick Henry's "Give Me Liberty or Give Me Death" speech, the battles at Lexington and Concord and Bunker Hill, and the

Second Continental Congress and failed Olive Branch Petition, and Thomas Paine's *Common Sense*.

2. Explain the key reasons for the Patriots' improbable victory and analyze major battles of the American Revolution, including the Battle of Trenton, the Battle of Saratoga, and Yorktown.

3. Analyze the Declaration of Independence, and evaluate how the ideas expressed reflected the values and principles of the founders' and influenced development of the United States, with an emphasis on "inalienable rights" as inherent in all people by virtue of their being human meaning that they cannot be surrendered to the government; the rights to "life, liberty, and the pursuit of happiness" being the freedom to live, to protect rights, and to seek happiness as long as it does not violate the rights of others; and the concept of "consent of the governed" and how this differed from rule under a monarch.

4. Explain how America's founding, based on the words of the Declaration of Independence, and the U.S. Constitution were unprecedented in human history.

5. Explain the inadequacies of the Articles of Confederation.

6. Analyze the purposes of the Preamble of the Constitution.

7. Evaluate how the U.S. Constitution and Bill of Rights seek to prevent tyranny and protect individual liberty and freedom, including through representation, limited government, separation of powers, and checks and balances.

8. Analyze major events and developments of U.S. presidents of the late 1700s to the early 1800s, including the presidencies of George Washington (foreign and domestic policies, Farewell Address), John Adams (Alien and Sedition Act), Thomas Jefferson (role in the Louisiana Purchase), and Andrew Jackson (Bank War).

9. Analyze how Alexis de Tocqueville's five values are crucial to America's success as a constitutional republic (liberty, egalitarianism, individualism, populism, laissez-faire).

10. Explain and evaluate the concept of American exceptionalism.

H. Analyze key events associated with Westward Expansion during the early to mid-1800s.

1. Explain the Louisiana Purchase and evaluate its effects on the United States.

2. Analyze the causes and effects of the Indian Removal Act and describe the role of key people involved in Indian removal and the Trail of Tears including Andrew Jackson and John Ross.

3. Analyze the causes and effects of the Mexican-American War.

4. Explain the concept of Manifest Destiny and evaluate its effect on Westward Expansion.

I. Analyze the development and abolition of slavery in the United States.

1. Describe the origins of the transatlantic slave trade, Middle passage, and early spread of slavery in the Americas.

2. Describe the experiences of enslaved people on the Middle Passage, at slave auctions, and on plantations.

3. Describe the significance of invention of the cotton gin and its effects on slavery and economy.

4. Explain how slavery contributed to U.S. industrial and economic growth.

5. Explain the effects of abolition efforts by key individuals including Sojourner Truth, William Lloyd Garrison, Frederick Douglass, and Harriet Beecher Stowe.

6. Explain how slavery is the antithesis of freedom.

7. Analyze the causes and effects of the Missouri Compromise and the Kansas Nebraska Act.

8. Explain the outcome of the *Dred Scott v. Sandford* (1857) decision, including it later being coined a "self-inflicted wound."

9. Describe the purpose of the Emancipation Proclamation and its effects.

10. Evaluate the significance and extension of citizenship rights to Black Americans included in the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution of the United States.

J. Analyze the causes, course, and consequences of the Civil War and Reconstruction.

1. Analyze the life of Abraham Lincoln including his debates with Stephen Douglas, the meaning of his "House Divided" speech, presidency and views on the Union, first and second inaugural addresses, the Emancipation Proclamation, the Gettysburg Address, particularly the origin and meaning of "last full measure of devotion," and his assassination.

2. Explain major and minor causes of the Civil War, especially the political tension surrounding the spread of slavery.

3. Analyze major battles of the Civil War, including Antietam, Gettysburg, Vicksburg, and the capture of New Orleans.

4. Compare and contrast resources of the Union and Confederate States and reasons attributed to the Union winning the Civil War.

5. Explain the social, political and economic changes that resulted from Reconstruction including Jim Crow laws, the role of carpetbaggers, scalawags, Radical Republicans, the Freedmen's Bureau, sharecropping, the creation of Black Codes, and the emergence of the Ku Klux Klan and the rise of violence and intimidation of Black Americans.

K. Describe the economic and social development of the United States in the late nineteenth and early twentieth century and its emergence as a major world power.

1. Describe how the physical geography of the United States affected industrial growth and trade.

2. Explain the economic principles and practices that corresponded with America's industrial and economic growth after the Civil War including free markets, capitalism, mass production, division of labor, and monopolies.

3. Explain push and pull factors for people who immigrated to America in the late nineteenth and early twentieth century and analyze the immigrant experience, including assimilation, challenges, and contributions.

4. Analyze the challenges that accompanied industrialization, including pollution, poor working conditions, child labor, and food safety, as well as proposed solutions of the Progressive Era.

5. Analyze the Monroe Doctrine, the Roosevelt Corollary, and the development of U.S. foreign policy in the late 19th century and early 20th century including the Spanish-American War, the acquisition of Hawaii and

Alaska, construction of the Panama Canal, and the U.S. expedition to capture Pancho Villa.

6. Analyze the life of Theodore Roosevelt, including his life in the West, the Rough Riders, his “Big Stick” diplomacy, presidency, and conservation efforts.

7. Describe engagements between the U.S. government forces and Native Americans in the West following the Civil War, including the Battle of Little Bighorn and Wounded Knee, and the effects of the Dawes Act on Native Americans.

8. Analyze the life of Booker T. Washington, including his enslavement and emancipation, the Tuskegee Institute, and his Atlanta Exposition Speech.

9. Explain the origins and development of Louisiana public colleges and universities, including land grant institutions, Historically Black Colleges and Universities, and regional universities.

10. Compare and contrast the philosophies of Booker T. Washington, W. E. B. DuBois, and Marcus Garvey.

11. Explain Elizabeth Cady Stanton’s reasons for writing the Declaration of Sentiments.

12. Analyze the life of Susan B. Anthony, including her time teaching, work for abolition, work for temperance, and work for suffrage.

13. Analyze ways in which the Suffrage Movement led to passage of the Nineteenth Amendment.

L. Analyze the causes, course, and consequences of World War I.

1. Describe the causes of World War I.

2. Explain the events leading to and reasons for U.S. involvement in World War I.

3. Describe the effects of major military events, the role of key people, and the experiences of service members.

4. Analyze the suppression of dissent during World War I.

5. Explain why the Allied Powers won World War I.

6. Compare and contrast Wilson’s Fourteen Points and the Treaty of Versailles.

M. Analyze the political, social, cultural and economic effects of events and developments after World War I and during the 1920s.

1. Explain the origins, main ideas, contributors, and effects of the Harlem Renaissance.

2. Describe changes in the social and economic status of women.

3. Analyze how life in the United States changed as a result of technological advancements, including automobile, airplane, and radio.

4. Analyze the causes and events of the First Red Scare including the Bolshevik Revolution, anarchist bombings, the Immigration Act of 1918, and the Palmer Raids.

5. Analyze the rise in labor unions in the late 19th century and early 20th century including the American Federation of Labor-Congress of Industrial, the Organizations (AFL-CIO), the Industrial Workers of the World (IWW), and the The Brotherhood of Sleeping Car Porters.

6. Analyze the effects of changes in immigration to the United States and migration within the United States as a result of the Immigration Act of 1924 and the Great Migration.

7. Describe Prohibition in the United States and its consequences, including the development of organized crime.

8. Describe the effects of racial and ethnic tensions, including the Chicago riot of 1919, Tulsa Massacre, and re-emergence of the Ku Klux Klan.

N. Describe the effects of the Great Depression and New Deal policies on the United States.

1. Explain the causes of the Great Depression, with an emphasis on how bank failures, buying stock on margin, overextension of credit, overproduction, high tariffs and protectionism, and the 1929 stock market crash contributed to the economic crisis.

2. Describe the effects of the Great Depression.

3. Analyze the government response to the Great Depression, including actions taken by the Federal Reserve, Congress, and the administrations of Herbert Hoover and Franklin D. Roosevelt.

4. Describe the causes and effects of the Dust Bowl, including natural disasters and unwise agricultural practices, and how it exacerbated the Great Depression.

5. Analyze the purpose and effectiveness of the New Deal in managing problems of the Great Depression through relief, recovery, and reform programs, including the Tennessee Valley Authority (TVA), Works Progress Administration (WPA), the Civilian Conservation Corps (CCC), and the Social Security Act (SSA).

6. Compare and contrast economic beliefs of Adam Smith, Karl Marx, John Maynard Keynes, and Milton Friedman and analyze their influence on the economy of the United States.

O. Explain the causes, course, and consequences of World War II.

1. Explain the similarities and differences between totalitarianism and militarism in Imperial Japan, communism in the Soviet Union, fascism in Mussolini’s Italy and Nazi Germany, and identify the major powers of the Allies and the Axis powers.

2. Explain efforts made by the U.S. government to prepare for war prior to entry including Cash and Carry and Lend Lease policies, military maneuvers at Barksdale Air Force Base, and the Louisiana Maneuvers in September 1941.

3. Explain why Japan attacked Pearl Harbor and the response of the United States.

4. Describe the sacrifices and contributions of American service members in the war effort including the Tuskegee Airmen, Military Intelligence Service, 442nd Regimental Combat team, the 101st Airborne, Women’s Army Corps (WAC), Navajo Code Talkers, and the Army Signal Corps.

5. Explain the causes and effects of the internment of Japanese Americans in the United States during World War II, as well as the decision in *Korematsu v. United States* (1944) and The Civil Liberties Act of 1988.

6. Explain how the U.S. government managed the war effort on the home front, including campaigns to conserve food and fuel, sale of war bonds, and coordination of wartime production.

7. Explain the role of military intelligence, technology, and strategy during World War II including cryptology, the Manhattan Project, island hopping and

describe major battles of Midway, Normandy, Iwo Jima, Okinawa, and Battle of the Bulge.

8. Describe the roles of Franklin D. Roosevelt, Harry Truman, and the United States' critical role in the Allied victory.

9. Analyze the decision for and effects of dropping atomic bombs on Hiroshima and Nagasaki.

10. Explain the use of violence and mass murder as demonstrated by the Nanjing Massacre, the Holodomor, the Holocaust, and the Bataan Death March and the treatment of U.S. prisoners of war.

11. Analyze the Holocaust, including the suspension of basic civil rights by the Third Reich, concentration camp system, anti-Semitism, persecution of Jews and non-Jews, Jewish and non-Jewish resistance, the role played by the United States in liberating Nazi concentration camps, immigration of Holocaust survivors, and the Nuremberg trials.

12. Describe the establishment of the United Nations, and its role in global affairs after World War II.

P. Analyze causes, major events, and key leaders of the civil rights movement.

1. Analyze the origins and goals of the civil rights movement, the effects of segregation (de jure and de facto), and efforts to desegregate schools, transportation, and public places.

2. Analyze how the ideas, work, and life of Dr. Martin Luther King Jr. influenced civil rights movements in the United States, including civil disobedience, service with the Southern Christian Leadership Conference (SCLC), writings such as his "Letter from a Birmingham Jail" and "I Have a Dream" speech, and his assassination.

3. Explain how key individuals and groups contributed to the expansion of civil rights in the United States, including A. Philip Randolph, Jackie Robinson, Rosa Parks, Medgar Evers, Ruby Bridges, Shirley Chisholm, John Lewis, Malcolm X, and Thurgood Marshall.

4. Analyze the role and importance of key events during the civil rights movement, including the murder of Emmett Till, Baton Rouge Bus Boycott, Montgomery Bus Boycott, Little Rock Central High School desegregation, Greensboro Sit-Ins, Freedom Rides, demonstrations in Birmingham, 1963 March on Washington, Freedom Summer, and Selma to Montgomery Marches.

5. Analyze the role of the federal government in advancing civil rights, including *Brown v. Board of Education* (1954), the Twenty-Fourth Amendment, the Civil Rights Act of 1964, and the Voting Rights Act of 1965.

6. Analyze the goals and outcomes of the American Indian Movement (AIM) and the changing relationship between Native Americans and the federal government, including before and after the Indian Self-Determination and Education Assistance Act.

7. Analyze the goals and course of the women's rights movement of the mid- to late twentieth century, with attention to House Resolution 5056, Equal Pay Act, Civil Rights Act of 1964, Title IX of the Education Amendments, Equal Rights Amendment, and the advancement of women in government and various professions.

Q. Explain major events and developments of the post-World War II era in the United States and its continued rise as a world power.

1. Explain the causes and effects of the Marshall Plan and the formation of NATO and the Warsaw Pact.

2. Analyze domestic policies of Dwight D. Eisenhower's presidential administration including the Federal Aid Highway Act of 1956.

3. Compare ideas of the United States and Soviet Union during the Cold War, including the strengths of American principles such as rights, equality of opportunity, and liberty, and equal protection under the law.

4. Describe the role of key leaders of the United States and Soviet Union during the Cold War, including Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard Nixon, Ronald Reagan, Nikita Khrushchev and Mikhail Gorbachev.

5. Analyze the causes, course of, and consequences of the Cold War and its related crises and conflicts, including the Korean War, Cuban Missile Crisis, Bay of Pigs Invasion, Vietnam War, and Miracle on Ice.

6. Explain the role of technology in the Cold War, including the Space Race, Sputnik, and Apollo 13 mission.

7. Analyze the effects of the campaign, election, inaugural address, presidency, and assassination of John F. Kennedy.

8. Analyze the role of Lyndon B. Johnson in the civil rights movement and the Vietnam War.

9. Explain the term "silent majority" in the context of Richard Nixon's presidency, the Watergate scandal, his efforts to open trade with China, and his resignation.

10. Explain the outcome and consequences of key Supreme Court decisions in the late 20th century, including *Gideon v. Wainwright* (1963), *Miranda v. Arizona* (1966), and *Roe v. Wade* (1973).

11. Explain factors that led to the end of the Cold War, the fall of communism, and the collapse of the Soviet Union, including foreign policy pressures; Reagan's "Tear Down this Wall" speech, the fall of the Berlin Wall; glasnost and perestroika, and the decline of communism.

12. Explain how the failure of the communist economic and political policy, American foreign policy pressure, and the assertion of American principles such as rights, equality, and liberty, led to the end of the Cold War.

R. Explain major U.S. events and developments in the late twentieth and early twenty-first centuries.

1. Analyze Ronald Reagan's political career ("A Time for Choosing" speech) and key policies of his presidency (four pillars of Reaganomics reduce taxes, reduce Federal Spending, reduce government regulation, tighten the money supply).

2. Explain the effects of major issues and events of the late twentieth century, including the HIV/AIDS epidemic and disease perceptions, the war on drugs, and the space shuttle Challenger disaster.

3. Explain causes of the Gulf War, its major military leaders, and unity on the home-front.

4. Explain the causes and effects of domestic incidents, terrorism, and mass shootings, including the Ruby Ridge incident, Waco siege, Oklahoma City Bombing, and Columbine High School shooting.

5. Analyze the effects of advancements in technology and media during the mid- to late twentieth century, including the radio, television, and the internet.

6. Explain events leading up to the September 11th attacks, the attack on New York City, the attack on the Pentagon, Flight 93, President George W. Bush's speech from Barksdale Air Force Base, the lives lost, national unity in the aftermath, subsequent military operations, and the expansion of intelligence agencies.

7. Compare the judicial philosophies of Supreme Court justices of the twentieth and twenty-first centuries, including those of Antonin Scalia and Ruth Bader Ginsberg.

8. Analyze the presidential administrations of George H.W. Bush (Gulf War), Bill Clinton (influence of the Contract with America on the legislative agenda, involvement in Bosnia), and George W. Bush (September 11th).

9. Explain important issues of the 2008 presidential election and the significance of the election of Barack Obama.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

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Chapter 25. High School—World History

§2501. Introduction

A. This course presents a cohesive and comprehensive overview of the history of the world from 1300 to 2010. As students examine each era of history, they will analyze primary sources and carefully research events to gain a deeper understanding of the factors that have shaped world history. In this course, students will examine fourteenth-century trade networks of Africa and Eurasia, Renaissance and Enlightenment in Europe, political revolutions, industrialization, imperialism, global conflicts of the twentieth century, decolonization, and globalization.

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§2503. Standards

A. Analyze ideas and events in world history from 1300 to 2010 and how they progressed, changed, or remained the same over time.

B. Analyze connections between events and developments in world history within their global context from 1300 to 2010.

C. Use geographic representations and demographic data to analyze environmental, cultural, economic and political characteristics and changes.

D. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts;
4. explain how the availability of sources affects historical interpretations.

E. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;

3. analyze causes and effects;

4. evaluate counterclaims.

F. Evaluate the influence of science, technology, innovations, and explain how these developments have altered societies in the world from 1300 to 2010.

G. Analyze causes and effects of events and developments in world history from 1300 to 2010, including 14th-century trade networks of Africa and Eurasia, Renaissance and Enlightenment in Europe, political revolutions, industrialization, imperialism, global conflicts of the twentieth century, decolonization, and globalization.

H. Analyze the relationship between events and developments in Louisiana history and world history from 1300 to 2010.

I. Analyze the origins and emergence of economic principles such as feudalism, mercantilism, capitalism, socialism, and communism and their effects on political institutions throughout the world from 1300 to 2010.

J. Analyze the causes and effects of global and regional conflicts in the world from 1300 to 2010.

1. Analyze the causes, effects, and reactions to imperialism from 1450 to 1945 and the experiences of those who were colonized.

2. Analyze causes and effects of political revolutions of the eighteenth, nineteenth, and twentieth centuries throughout the world.

K. Analyze the development of political and social structures throughout the world from 1300 to 1600.

1. Analyze how various religious philosophies have influenced government institutions and policies from 1300 to 2010.

2. Analyze the development and contribution of enlightenment ideas such as humanism, state of nature, social contract, and natural rights to the structure and function of civic and political institutions from 1600 to 2010.

3. Analyze how civic ideals such as freedom, liberty, and equal justice have influenced world governments from 1300 to 2010.

4. Compare and contrast systems of governance, including absolutism, communism, democracy, imperialism, fascism, monarchism, and republicanism across world history in the period from 1300 to 2010 and their methods of maintaining power.

5. Analyze the historical connections between Civil Law, the Napoleonic Code, and Louisiana's system of laws.

6. Explain the powers and responsibilities of local, state, tribal, national, and international civic and political institutions and their efforts to address social and political problems.

L. Describe various systems, laws, and policies of governance across world history in the period from 1300 to 2010 and their methods of maintaining power, including absolutism, communism, democracy, imperialism, fascism, theocracies, monarchism, and republicanism.

M. Analyze the origins, consequences, and legacies of genocides that occurred in world history from 1914 to 2010.

N. Analyze the causes of decolonization, methods of gaining independence, and geopolitical impacts of new nation-states from 1945 to 2010.

O. Analyze the roles of various countries during the Cold War and their roles in post-Cold War international agreements and organizations.

P. Analyze ideals and principles that contributed to the rise of independence movements from 1300 to 2010.

Q. Analyze goals, strategies, and effects of movements, both violent and non-violent, to gain freedom and political and social equality in world history from 1914 to 2010.

R. Describe how global, national, and regional economic policies affect individual life decisions over time.

S. Analyze the influence of fiscal policies such as taxation and tariffs, trade embargoes, and spending policies on national economies.

T. Describe the causes of trade, commerce, and industrialization and how they affected governments and societies from 1300 to 2010.

U. Explain the economic, demographic, social, and cultural consequences of coerced labor throughout the world.

V. Analyze trends of increasing economic interdependence and interconnectedness in world history from 1300 to 2010.

W. Analyze the impact of natural resources on the development of the Louisiana economy within the context of global interdependence.

X. Analyze the effect that humans have had on the environment in terms of resources, migration patterns, and global environmental issues.

Y. Explain the relationship between the physical environment and culture on local, national, and global scales.

Z. Analyze the causes and effects of the movement of people, culture, religion, goods, diseases, and technologies through established systems of connection.

AA. Explain how regional interactions shaped the development of empires and states from 1300 to 2010.

BB. Explain the effectiveness of institutions designed to foster collaboration, compromise, and development from the post-Napoleonic era to the present.

CC. Analyze how advancements in communication, technology, and trade impact global interactions from 1300 to 2010.

DD. Analyze patterns of population distribution and migration from 1300 to 2010.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1787 (July 2022).

Chapter 27. High School—World Geography

§2701. Introduction

A. In the high school world geography course, students will develop geographic and spatial thinking skills to better understand the different people, places, and environments around the world. Students will examine various themes including population, culture, migration, urbanization, agriculture, economics, and political systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1788 (July 2022).

§2703. Standards

A. Describe economic, social, cultural, political, and physical characteristics of countries, nations, and world regions.

B. Analyze geographic patterns and processes using spatial knowledge of the world's continents, major landforms, major bodies of water, and major countries.

C. Connect past events, people, and ideas to the present to draw conclusions and explain current implications.

D. Describe how geographic tools, representations, and technologies are used in the study of geography.

1. Create and use geographic representations, data, and geospatial technologies to analyze geographic patterns and changes over time, including maps, satellite images, photographs, charts, graphs, population pyramids, GIS, and GPS.

2. Describe the influence of technology on the study of geography and gather geographic information using technological tools.

3. Compare and contrast various types of maps and map projections, and evaluate distortions associated with each map projection.

4. Analyze how maps and data illustrate territorial divisions and regional classification of the earth's surface.

E. Explain the spatial relationships of human settlement, migration, and population.

1. Explain the patterns and processes of human settlement and migration.

2. Analyze population growth over time and predict future trends.

3. Evaluate how historical processes, including cultural diffusion, colonialism, imperialism, trade, urbanization, and migration have affected countries and world regions.

4. Explain how landscape features and natural resource use can reflect cultural attributes.

5. Evaluate the consequences of globalization, the acceleration of communication, and the diffusion of ideas, information, and culture.

F. Analyze geographic factors that influence economic development.

1. Explain the spatial patterns of industrial production and development.

2. Analyze the distribution of resources and describe their influence on individuals, businesses, and countries.

3. Analyze factors that influence the economic development of countries.

4. Describe social and economic measures of development in various countries.

5. Explain how economic interdependence and globalization affect countries and their populations.

6. Analyze the historical and contemporary economic influence that Louisiana has on other parts of the United States and on the broader world.

7. Analyze the historical and contemporary effects that globalization has on Louisiana's economy.

G. Analyze how governments and political boundaries affect people and place.

1. Compare various systems of government in terms of division of power, economic ideologies, and power structure.

2. Analyze various economic philosophies including, capitalism, socialism, and communism that have influenced the development of political and economic systems.

3. Evaluate the purpose of political institutions at various levels, local to supranational, and distinguish their roles, powers, and limitations.

4. Analyze how political boundaries are created and how they affect political institutions.

5. Describe nations and states using appropriate terminology.

6. Analyze actions in various regions taken by individuals, groups, regional governments, and supranational organizations to expand freedoms and protect human rights.

7. Evaluate factors that contribute to cooperation and conflict, including trade, natural resources, and land acquisition.

8. Explain the degree to which cooperation and conflict have affected countries and world regions.

H. Analyze how people have modified or adapted to the environment locally, nationally, regionally, and globally.

1. Analyze effects of human settlement patterns and land use on the natural environment.

2. Identify ways in which people have attempted to mitigate the effects of natural disasters.

3. Analyze causes and effects of local, national, regional, and global environmental issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1788 (July 2022).

Chapter 29. Social Studies Skills and Practices

§2901. Kindergarten through Second Grade

A. Describe differences between primary and secondary sources.

B. Select and use appropriate evidence from primary and secondary sources to support claims.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1789 (July 2022).

§2903. Third through Fifth Grade

A. Examine sources in order to:

1. distinguish between primary, secondary, and tertiary sources;

2. determine the origin, author's point of view, and intended audience;

3. understand and use content-specific vocabulary and phrases.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;

2. explain claims and evidence; and

3. compare and contrast multiple sources.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. explain causes and effects; and

4. describe counterclaims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1789 (July 2022).

§2905. Sixth through Eighth Grade

A. Examine sources in order to:

1. distinguish between primary, secondary, and tertiary sources;

2. determine the origin, author's point of view, intended audience, and reliability; and

3. explain the meaning of words, phrases, and content-specific vocabulary.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;

2. evaluate claims, counterclaims, and evidence;

3. compare and contrast multiple sources and accounts; and

4. distinguish between historical facts and historical interpretations.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. analyze causes and effects; and

4. explain counterclaims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1789 (July 2022).

§2907. Ninth through Twelfth Grade

A. Examine sources in order to:

1. distinguish between primary, secondary, and tertiary sources;

2. determine the origin, author's point of view, intended audience, and reliability; and

3. analyze the meaning of words, phrases, and content-specific vocabulary.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;

2. evaluate claims, counterclaims, and evidence;

3. compare and contrast multiple sources and accounts; and

4. explain how the availability of sources affects historical interpretations.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. analyze causes and effects; and

4. evaluate counterclaims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1789 (July 2022).

Shan N. Davis
Executive Director

2207#043

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**Expansion of the Expedited Penalty Program
(LAC 33:I.803, 805, and 807)(OS097)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Office of the Secretary regulations, LAC 33:I.803, 805, and 807. (OS097)

The Rule adds additional hazardous waste, solid waste, underground storage tank, water, radiation, and air violations to LAC 33:I.807. The Rule also clarifies various violation citation language in the current radiation and air violations and adjusts penalty amounts associated with specific regulatory citations to be appropriate and consistent with penalty amounts associated with specific regulatory citations in the Rule. The structure of the expedited penalty table is changed to divide it into separate tables by media and type.

Currently, the regulatory maximum cap of \$3,000 poses a barrier for the departments' use program. A facility that has multiple violations can quickly exceed the current XP monetary cap thereby requiring the enforcement writer to assess a fine in accordance with the nine factors set forth in the regulations. The administrative review and processing time is greatly increased when drafting traditional penalty assessments, along with the possibility of having to testify in the adjudicatory hearing process. The increased amount of \$5,000 for two or more violations will allow the department to use the XP program more frequently which will provide a cleaner and healthier environment for all the citizens of the state and reduce staff time in the administrative process for compliance.

The Rule will expand the current program to include additional minor violations with no additional cost. The current expedited penalty program has resulted in a significant decrease in the number of formal enforcement actions issued for the categories of violations addressed by the current Rule. This reduction in formal enforcements issued in connection with types of violations has resulted in a decrease in the man-hours and other resources expended by the department in the pursuit of these enforcement cases. Many prior enforcement referrals for minor and moderate violations had not been addressed in a timely manner due to more complex enforcement issues. The basis and rationale for the Rule are to provide an alternative penalty assessment mechanism that the department may utilize, at its discretion, to expedite penalty agreements in appropriate cases, reducing staff time and increasing efficiency in addressing such violations. The expedited penalty program is a flexible and voluntary program that will be continually expanded to

accommodate minor to moderate violations to the regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the date of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 8. Expedited Penalty Agreement

§803. Purpose

- A. ...
- 1. addresses minor or moderate violations;
- 2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2242 (December 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1790 (July 2022).

§805. Applicability

A. Limit of Penalty Amount. The total penalty assessed for the expedited penalty agreement shall not exceed \$3,000 for one violation or \$5,000 for two or more violations.

- B. - E.1. ...
- 2. Criteria for violations addressed pursuant to this Chapter.

E.2.a. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2242 (December 2006), amended by the Office of the Secretary, Legal Division, LR 42:236 (February 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1790 (July 2022).

§807. Types of Violations and Expedited Penalty Amounts

- A. ...

EXPEDITED PENALTIES			
OFFICE OF THE SECRETARY			
Violation	Citation	Amount	Frequency
Failure to submit a timely NOC-1 within 45 days of changes in the name only of a facility or of its owner/operator.	LAC 33:I.1905.A	\$250	Per occurrence
Failure to provide notice of change of ownership or operational control of the facility within 45 days after the change, where no financial assurance is required.	LAC 33:I.1907.B	\$250	Per occurrence
Failure to provide notice of change of ownership or operational control of the facility within 45 days after the change, where financial assurance is required.	LAC 33:I.1909.B	\$250	Per occurrence
Failure to notify, in accordance with LAC 33:I.3915.A, in the event of an unauthorized discharge that does cause an emergency condition.	LAC 33:I.3915.A	\$1,500	Per occurrence

EXPEDITED PENALTIES			
OFFICE OF THE SECRETARY			
Violation	Citation	Amount	Frequency
Failure to provide timely notification for the unauthorized discharge of any material that exceeds the reportable quantity, but does not cause an emergency condition.	LAC 33:I.3917.A	\$500	Per occurrence
Failure to provide prompt notification of any unauthorized discharge that results in the contamination of the groundwaters of the state or that otherwise moves in, into, within, or on any saturated subsurface strata in accordance with LAC 33:I.3923.	LAC 33:I.3919.A	\$500	Per occurrence
Failure to provide timely written notification of the unauthorized discharge that causes an emergency condition.	LAC 33:I.3925.A	\$1,500	Per occurrence
Failure to provide timely written notification of the unauthorized discharge of any material that exceeds the reportable quantity but does not cause an emergency condition.	LAC 33:I.3925.A	\$500	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
Failure to submit payment of the appropriate permit fee and receive notification from the administrative authority that the application has been determined complete prior to the operation of any source or activity addressed by a regulatory permit.	LAC 33:III.305.A	\$500	Per occurrence
Failure to submit payment of the appropriate permit fee and receive notification from the administrative authority that the application has been determined complete prior to construction of any source or activity addressed by a regulatory permit.	LAC 33:III.305.B	\$250	Per occurrence
Failure to submit a timely and complete permit application prior to construction, but the application was submitted within one year from the start of construction of a facility that is eligible for coverage under a Minor Source Permit or a Minor Source - Air General Permit.	LAC 33:III.501.C.1	\$250	Per occurrence
Failure to submit a timely and complete permit application prior to reconstruction or modification, but submitted the application within one year from the start of reconstruction or modification of a facility that is permitted under a Minor Source Permit or a Minor Source - Air General Permit.	LAC 33:III.501.C.1	\$250	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
Failure to obtain a Minor Source Permit or a Minor Source Permit - Air General Permit, but obtained the necessary permit within one year after commencement of operations of a facility that may result in the initiation of emission of air contaminants.	LAC 33:III.501.C.2	\$1,000	Per occurrence
Failure to obtain a Minor Source Permit or a Minor Source Permit - Air General Permit, but obtained the necessary permit within two years after commencement of operations of a facility that may result in the initiation of emission of air contaminants.	LAC 33:III.501.C.2	\$1,500	Per occurrence
* * *			
Failure to submit the Minor Source Permit renewal application at least six months prior to the expiration date of the current permit.	LAC 33:III.503.C.3	\$500	Per occurrence
Failure to submit the Title V permit renewal application at least six months prior to the expiration date of the current permit, but obtained the renewal permit on or before the expiration date of the current permit.	LAC 33:III.507.E.4	\$1,000	Per occurrence
Failure to use and/or diligently maintain, in proper working order, all air pollution control equipment installed at the site.	LAC 33:III.905	\$300	Per occurrence
Failure to submit a complete Annual Criteria Pollutant Emissions Inventory in a timely manner when applicable.	LAC 33:III.919	\$500	Per occurrence
Failure to conduct outdoor burning of trees, brush, grass, and other vegetative matter from such area in land clearing and right-of-way maintenance operations at least 1,000 feet from any dwelling other than dwelling or structure located on the property on which the burning is conducted.	LAC 33:III.1109.D.6.b	\$500	Per occurrence
Failure to conduct outdoor burning of trees, brush, grass, and other vegetative matter from such area in land clearing and right-of-way maintenance operations between the hours of 8 a.m. and 5 p.m.	LAC 33:III.1109.D.6.e	\$500	Per occurrence
Failure to take all reasonable precautions to prevent particulate matter from becoming airborne.	LAC 33:III.1305.A	\$750	Per occurrence
* * *			

EXPEDITED PENALTIES			
AIR QUALITY—ASBESTOS			
Violation	Citation	Amount	Frequency
Failure to teach courses meeting the minimum criteria and length of training specified, including hands-on training specific to the discipline taught.	LAC 33:III.2799.B and D; 2741.B.2.b; and B.3	\$200	Per occurrence
Failure to renew training provider or trainer recognition prior to teaching a class.	LAC 33:III.2799.F	\$200-Training Provider \$100-Trainer	Per occurrence
Failure to submit any applicable course notification in writing prior to class commencement, including changes in instructors, location, or time, or course cancellation.	LAC 33:III.2741.E.2.c; and 3.a	\$150	Per occurrence
Failure to timely submit a complete class roster of trainees.	LAC 33:III.2741.E.4	\$100	Per occurrence
Failure to thoroughly inspect the affected facility or part of the facility where a demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM, prior to the commencement of the demolition or renovation.	LAC 33:III.5151.F.1	\$500	Per occurrence
Failure of a person contracted to perform a demolition, renovation, or response action, which disturbs Regulated Asbestos Containing Material (RACM) or conducts Asbestos Contaminated Debris Activity (ACDA) to comply with any applicable requirements of the Louisiana State Licensing Board for Contractors to perform asbestos abatement.	LAC 33:III.5151.F.1.h	\$250	Per occurrence
Failure to provide a typed notice of intention to demolish, renovate, conduct a response action, or an ACDA, using the latest version of Notification of Demolition and Renovation, and Asbestos Contaminated Debris Activity Form (AAC-2), and/or submit fees.	LAC 33:III.5151.F.2.a	\$200	Per occurrence
Failure of an owner or operator to submit a revised Form AAC-2 when the amount of asbestos changes by 20 percent, or there is a change in the transporter, contractor, or designated landfill.	LAC 33:III.5151.F.2.b	\$100	Per occurrence
Failure to postmark or deliver Form AAC-2 at least 10 working days before asbestos stripping or removal work or any other activity begins, if the activity is a demolition or renovation of a facility, where RACM is present as described in LAC 33:III.5151.F.1.a and e (except Clauses F.1.e.ii and iii) or if the debris is ACD, as described in LAC 33:III.5151.F.1.d.	LAC 33:III.5151.F.2.c.i	\$100	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY—ASBESTOS			
Violation	Citation	Amount	Frequency
Failure to provide notice of a new start date to the DEQ regional office if an asbestos renovation or demolition operation will begin on a date other than the one contained in the original notice.	LAC 33:III.5151.F.2.c.v	\$100	Per occurrence
Failure to notify the Office of Environmental Services and the DEQ regional office responsible for inspecting the project site and include information as required by LAC 33:III.5151.F.2.e.i via phone, fax, email, or voice mail as soon as possible, but no later than four hours after learning of the incident that required an emergency response action, demolition or renovation operations.	LAC 33:III.5151.F.2.e	\$200	Per occurrence
Failure to submit a typed notification and/or required fees as specified in LAC 33:III.5151.F.2.a and d within five working days after an emergency asbestos notification has been made by phone, fax, email, or voice mail.	LAC 33:III.5151.F.2.e.ii	\$200	Per occurrence
Acceptance of an invalid Asbestos Disposal Verification Form (ADVF) by a waste transporter or disposal site owner or operator.	LAC 33:III.5151.F.2.f.vii	\$200	Per occurrence
Failure to notify the DEQ regional office responsible for inspecting the project site by fax or Email within 24 hours after the demolition, renovation, response action, or ACDA has ended and the work area has been cleaned in accordance with LAC 33:III.5151.F.3.l.	LAC 33:III.5151.F.3.m	\$200	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY—LEAD			
Violation	Citation	Amount	Frequency
* * *			
Failure to submit any applicable course notification in writing prior to class commencement, including changes in instructors, location, or time, or course cancellation.	LAC 33:III.2805.E	\$100	Per occurrence
Failure to submit a notification using a department-approved form and be postmarked or hand-delivered at least five working days prior to beginning any on-site work at the lead abatement project and submit the appropriate fees.	LAC 33:III.2811.E.4.a	\$200	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY—LEAD			
Violation	Citation	Amount	Frequency
Failure to notify the Office of Environmental Services if operations will stop for a day or more during the project time noted on the lead project notification (LPN) form or the project has been canceled or postponed. Failure to provide the department with notice 24 hours before the completion of a project. Failure to start the project on the date noted on the LPN form.	LAC 33:III.2811.E.4.b	\$200	Per occurrence
Failure to provide notification by fax or email for emergency notification during normal working hours or fax, email, or voice mail for emergency notification after normal working hours to the Office of Environmental Services and the DEQ regional office responsible for inspecting the project site within 24 hours of the start of the project. Failure to submit a complete emergency notification form and appropriate processing fees within five working days to the Office of Environmental Services.	LAC 33:III.2811.E.4.c	\$200	Per occurrence
Failure to submit an amended LPN to the department and appropriate DEQ regional office when changes occur in the completion dates, methodology, and square footage.	LAC 33:III.2811.E.4.d	\$100	Per occurrence
Failure to develop a written occupant and worker protection plan for all abatement projects in accordance with LAC 33:III.2811.E.5.a-c.	LAC 33:III.2811.E.5	\$100	Per occurrence
Failure of an accredited inspector or accredited risk assessor to take pre-abatement composite soil samples next to the foundation or from the dripline below any exterior surface to be abated and to have samples analyzed by a recognized laboratory capable of performing these analyses.	LAC 33:III.2811.E.7	\$100	Per occurrence
Failure of an accredited inspector or an accredited risk assessor to follow post-abatement clearance procedures as described in LAC 33:III.2811.E.9.a-g.	LAC 33:III.2811.E.9	\$500	Per occurrence
Failure to submit an abatement report that was prepared by an accredited lead project supervisor or accredited project designer to the department within 30 days of the completion of the project that includes all the information required by LAC 33:III.2811.E.11.a-g.	LAC 33:III.2811.E.11	\$500	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY—LEAD			
Violation	Citation	Amount	Frequency
Failure of an owner of any licensed day care center, preschool, or public or nonpublic elementary school facility that qualifies as a child occupied facility (COF) and that was first placed in operation after August 1, 2012, to have an inspector or risk assessor conduct a thorough inspection of facility or grounds for the presence of lead hazards within 30 days of starting operations.	LAC 33:III.2815.A	\$500	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY—STAGE II VAPOR RECOVERY			
Violation	Citation	Amount	Frequency
NOTE: LAC 33:III.2132 is only applicable to subject gasoline dispensing facilities in the parishes of Ascension, East Baton Rouge, West Baton Rouge, Iberville, Livingston, and Pointe Coupee.			
Failure to submit an application to the administrative authority prior to installation of the Stage II vapor recovery system.	LAC 33:III.2132.B.6	\$500	Per occurrence
* * *			

EXPEDITED PENALTIES			
AIR QUALITY—CHEMICAL ACCIDENT PREVENTION			
Violation	Citation	Amount	Frequency
* * *			

EXPEDITED PENALTIES			
HAZARDOUS WASTE ¹			
Violation	Citation	Amount	Frequency
Unpermitted/Unauthorized storage of on-site generated hazardous waste for a period greater than the allowable time frame and which did not result in, or significantly increase the risk of, a release of or exposure to hazardous waste.	LAC 33:V.303.B	\$1,000	Per inspection
Failure by a very small quantity generator to comply with hazardous waste determination and recordkeeping requirements as specified in LAC 33:V.1005.A-E.	LAC 33:V.1003.A.1.a.i; LAC 33:V.1005	\$500	Per occurrence
Failure by a very small quantity generator to properly determine and/or document its hazardous waste generator status in accordance with LAC 33:V.1007.	LAC 33:V.1003.A.1.a.ii; LAC 33:V.1005	\$250	Per occurrence
Failure by a very small quantity generator to obtain an active EPA identification number within 14 days after first generating a hazardous waste.	LAC 33:V.1003.A.1.a.iii; LAC 33:V.1005; LAC 33:V.1017	\$250	Per inspection
Failure by a small quantity generator to comply with hazardous waste determination and recordkeeping requirements as specified in LAC 33:V.1005.A-H.	LAC 33:V.1003.A.1.b.i	\$500	Per occurrence

EXPEDITED PENALTIES HAZARDOUS WASTE ¹			
Violation	Citation	Amount	Frequency
Failure by a small quantity generator to properly determine and/or document its hazardous waste generator status in accordance with LAC 33:V.1007.	LAC 33:V.1003.A.1.b.ii; LAC 33:V.1007	\$500	Per occurrence
Failure by a small quantity generator to notify the department of its hazardous waste activities in accordance with LAC 33:V.1017.	LAC 33:V.1003.A.1.b.iii; LAC 33:V.1017	\$250	Per occurrence
Failure by a small quantity generator to comply with applicable recordkeeping and/or reporting requirements specified in LAC 33:V.1019 and LAC 33:V.1027.	LAC 33:V.1003.A.1.b.iv-v; LAC 33:V.1019 and 1027	\$500	Per occurrence
Failure by a small quantity to prepare a uniform hazardous waste manifest when transporting, or offering the transportation, of hazardous waste.	LAC 33:V.1003.A.1.b.vi	\$500	Per occurrence
Failure by a large quantity generator to comply with hazardous waste determination requirements.	LAC 33:V.1003.A.1.c.i; LAC 33:V.1005	\$500	Per occurrence
Failure by a large quantity generator to comply with hazardous waste determination recordkeeping requirements as specified in LAC 33:V.1005.A-H.	LAC 33:V.1003.A.1.c.i; LAC 33:V.1005	\$500	Per occurrence
Failure by a large quantity generator to properly determine and/or document its hazardous waste generator status in accordance with LAC 33:V.1007.	LAC 33:V.1003.A.1.c.ii; LAC 33:V.1007	\$500	Per occurrence
Failure by a large quantity generator to notify the department of its hazardous waste activities in accordance with LAC 33:V.1017.	LAC 33:V.1003.A.1.c.iii; LAC 33:V.1017	\$1,500	Per occurrence
Failure by a large quantity generator to comply with applicable recordkeeping and/or reporting requirements specified in LAC 33:V.1019, 1021, 1023, and 1025.	LAC 33:V.1003.A.1.c.iv; LAC 33:V.1019, 1021, 1023, and 1025	\$500	Per occurrence
Failure by a large quantity generator to prepare a uniform hazardous waste manifest when transporting, or offering the transportation, of hazardous waste.	LAC 33:V.1003.A.1.c.v	\$500	Per occurrence
Failure by a small or large quantity generator to maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by LAC 33:V.109.	LAC 33:V.1005.G	\$500	Per occurrence
Failure to identify and/or mark containers with all applicable EPA hazardous waste numbers prior to shipping the waste off-site in accordance with LAC 33:V.1063.C.	LAC 33:V.1005.H	\$250	Per inspection

EXPEDITED PENALTIES HAZARDOUS WASTE ¹			
Violation	Citation	Amount	Frequency
Failure by a very small quantity generator under the control of a large quantity generator to clearly label or mark a container or containers storing hazardous waste with the words "Hazardous Waste" and/or an indication of the hazards associated with the contents of the container.	LAC 33:V.1009.A.5.h.ii.(a) and (b)	\$250	Per inspection
Failure by a very small quantity generator to keep a container containing non-volatile hazardous waste closed, except when necessary to add or remove waste.	LAC 33:V.1009.A.6.	\$150	Per occurrence
Failure by a very small quantity generator to keep a container containing volatile hazardous waste closed, except when necessary to add or remove waste.	LAC 33:V.1009.A.6	\$500	Per occurrence
Failure by a small or large quantity generator to keep a satellite container storing non-volatile hazardous waste closed, except when necessary to add or remove waste.	LAC 33:V.1011.A.4.	\$150	Per occurrence
Failure by a small or large quantity generator to keep a satellite container storing volatile hazardous waste closed, except when necessary to add or remove waste.	LAC 33:V.1011.A.4.	\$500	Per occurrence
Failure by a small or large quantity generator to clearly label or mark a container storing hazardous waste with the words "Hazardous Waste" and/or an indication of the hazards associated with the contents of the container.	LAC 33:V.1011.A.5.a and b	\$250	Per occurrence
Failure by a small quantity generator to store hazardous waste in a container in good condition.	LAC 33:V.1013.C.2.a	\$300	Per occurrence
Failure by a small quantity generator to conduct weekly inspections of hazardous waste containers.	LAC 33:V.1013.C.2.d	\$100	Per occurrence
Failure by a large quantity generator to store hazardous waste in a container in good condition.	LAC 33:V.1015.B.1.b	\$300	Per occurrence
Failure by a large quantity generator to conduct weekly inspections of hazardous waste containers.	LAC 33:V.1015.B.1.e	\$200	Per occurrence
Failure by a large quantity generator to provide an annual review of the training specified in LAC 33:V.1015.B.7.a.	LAC 33:V.1015.B.7	\$750	Per occurrence
Failure by a large quantity generator to have its waste minimization plan certified by a Louisiana registered professional engineer (PE) as required by LAC 33:V.2245.J.	LAC 33:V.1015.B.9	\$500	Per occurrence

EXPEDITED PENALTIES HAZARDOUS WASTE ¹			
Violation	Citation	Amount	Frequency
Failure by a large quantity generator to prepare develop and retain on-site a waste minimization plan that includes ongoing and proposed waste minimization projects and tentative beginning dates for proposed projects as required by LAC 33:V.2245.K.	LAC 33:V.1015.B.9	\$1,500	Per occurrence
Failure by a hazardous waste generator to submit a timely, accurate, and/or complete hazardous waste annual report.	LAC 33:V.1021	\$500	Per occurrence
Failure by a large quantity generator to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in the event of an emergency.	LAC 33:V.1047.A	\$750	Per occurrence
Failure by a large quantity generator to make or attempt to make arrangements with local authorities.	LAC 33:V.1049.A	\$500	Per occurrence
Failure by a large quantity generator to prepare a site-specific contingency plan.	LAC 33:V.1051.A	\$1,500	Per occurrence
Failure by a large quantity generator to prepare and/or maintain a contingency plan meeting the content requirements specified in LAC 33:V.1053.A-E.	LAC 33:V.1053	\$500	Per occurrence
Failure to make arrangements with local authorities as specified in LAC 33:V.1511.G.1 and 2.	LAC 33:V.1511.G	\$500	Per occurrence
Failure to prepare a facility contingency plan.	LAC 33:V.1513.A	\$1,500	Per occurrence
Failure to prepare a contingency plan meeting the content requirements specified in LAC 33:V.1513.B.1-6.	LAC 33:V.1513.B	\$500	Per occurrence
Failure to provide facility personnel with an annual review of the initial training required in LAC 33:V.1515.A.	LAC 33:V.1515.C	\$750	Per occurrence
Failure to maintain personnel training records as specified in LAC 33:V.1515.D.1-4.	LAC 33:V.1515.D	\$750	Per occurrence
Failure to submit an annual hazardous waste report.	LAC 33:V.1529.D	\$500	Per occurrence
Failure to store universal waste in an appropriate container.	LAC 33:V.3821	\$200	Per occurrence
Failure to label or mark each universal waste or a container storing universal waste in accordance with LAC 33:V.3823 and/or LAC 33:V.3845.	LAC 33:V.3823; LAC 33:V.3845	\$250	Per inspection
Failure by a used oil handler to label or mark containers or aboveground tanks storing used oil or fill pipes to transfer used oil into underground storage tanks with the words "Used Oil."	LAC 33:V.4013.D; LAC 33:V.4035.G; LAC 33:V.4049.F; LAC 33:V.4069.F	\$250	Per inspection

EXPEDITED PENALTIES HAZARDOUS WASTE ¹			
Violation	Citation	Amount	Frequency
Failure by a used oil burner to stop, contain, clean up, and/or manage a release of used oil, and/or repair or replace leaking used oil containers or tanks prior to returning them to service.	LAC 33:V.4069.H	\$750	Per occurrence

¹ In July 2020, the Department promulgated new and re-codified existing regulations applicable to generators of hazardous waste resulting in the migration of specific hazardous waste generator regulations from LAC 33:V.Chapter 11 into LAC 33:V.Chapter 10. Violations of specific hazardous waste generator regulations documented/occurring prior to July 2020 may be resolved in accordance with analogous regulations specified in this table.

EXPEDITED PENALTIES SOLID WASTE			
Violation	Citation	Amount	Frequency
Storing and/or allowing the storage of solid waste in an unauthorized off-site location.	LAC 33:VII.315.B	\$500	Per inspection
Storing solid waste on-site for greater than one year.	LAC 33:VII.315.B	\$250	Per inspection
Unauthorized on-site processing and/or disposal of regulated solid waste generated at the site by an individual who owns, leases, or has an actual right, title, or interest in the property.	LAC 33:VII.315.C	\$500	Per occurrence

Failure to report any discharge, deposit, injection, spill, dumping, leaking, or placing of solid waste into or on the water, air, or land.	LAC 33:VII.315.F	\$500	Per occurrence
An individual causing, allowing, and/or permitting solid waste to be disposed of in such a manner that it enters waters of the state.	LAC 33:VII.315.L	\$500	Per inspection
A business causing, allowing, and/or permitting solid waste to be disposed of in such a manner that it enters waters of the state.	LAC 33:VII.315.L	\$1,500	Per inspection
An individual engaged in open burning of solid waste as prohibited by regulation.	LAC 33:VII.315.M	\$300	Per inspection
A business engaged in open burning of solid waste as prohibited by regulation.	LAC 33:VII.315.M	\$1,500	Per inspection
Offering residential solid waste to an unauthorized transporter and/or a facility not permitted to receive such waste.	LAC 33:VII.315.O	\$500	Per occurrence

Failure to notify the department of generating, transporting, processing, or disposing of solid waste.	LAC 33:VII.401.A	\$300	Per occurrence
Failure to comply with the container requirements of LAC 33:VII.503.A.2 and 507.C.	LAC 33:VII.503.A.2 and 507.C	\$100	Per occurrence
Transportation of solid waste to a processing or disposal facility not permitted to receive such waste.	LAC 33:VII.505.D	\$1,500	Per occurrence
Storage of solid waste in a facility's buffer zone.	LAC 33:VII.508.B, 709.B.3.b, 717.B.3.b and 719.B.3.b	\$250	Per inspection

EXPEDITED PENALTIES			
SOLID WASTE			
Violation	Citation	Amount	Frequency
Failure to submit an annual recycling report by August 1 of each calendar year.	LAC 33:VII.508.C.4	\$200	Per occurrence
Failure to have control measures that prevent ingress and egress.	LAC 33:VII.508.F	\$500	Per inspection
Failure to prevent litter from leaving the tipping area.	LAC 33:VII.508.G	\$200	Per inspection
Failure to have tipping area constructed as required by LAC 33:VII.508.G.	LAC 33:VII.508.G	\$500	Per inspection
Failure to inspect the facility at the end of each day, clean up litter or waste and place into the last transportation vehicle and/or document inspections.	LAC 33:VII.508.H	\$200	Per inspection
Failure to comply with the record requirements of LAC 33:VII.508.J.	LAC 33:VII.508.J	\$200	Per inspection
Failure to submit a permit renewal application to the Office of Environmental Services at least 365 calendar days before the expiration date of the standard permit.	LAC 33:VII.509.D.2.a	\$500	Per occurrence
Failure to submit a minor permit modification request to the Office of Environmental Services in accordance with LAC 33:VII.517.A and C.	LAC 33:VII.517.A and C	\$1,000	Per occurrence
Failure by a permitted solid waste facility to submit a timely and/or accurate Certification of Compliance.	LAC 33:VII.525.A; 711.C.1; 713.C.1; 715.C; 717.F.1; 721.B.1; 723.C.1 and 725.B.1	\$500	Per occurrence
Failure to minimize blowing paper and litter.	LAC 33:VII.711.B.2.a.iv and 721.A.2.a.iv	\$200	Per inspection
Failure to maintain a cover log as required by LAC 33:VII.711.B.2.h and 721.A.2.d.	LAC 33:VII.711.B.2.h and 721.A.2.d	\$200	Per inspection
Failure to maintain records as required.	LAC 33:VII.711.C.2; 717.F.2 and 721.B.2	\$200	Per inspection
Failure to have the required number and/or level of certified operators.	LAC 33:VII.711.C.3.b and 721.B.3.b	\$500	Per inspection
Failure to prevent solid waste from being deposited in standing water and/or failing to immediately remove solid waste from standing water.	LAC 33:VII.711.D.1.i and 721.C.1.g	\$500	Per inspection
Failure to store white goods separately, remove white goods every 30 days and/or maintain a log of dates and volumes of white goods removed from the facility.	LAC 33:VII.711.D.5	\$500	Per inspection
Failure to prevent disposal of waste prohibited by LAC 33:VII.721.C.1.f.	LAC 33:VII.721.C.1.f	\$500	Per inspection
Failure to address unacceptable waste as required by LAC 33:VII.721.C.4.	LAC 33:VII.721.C.4	\$500	Per inspection
Failure to have protective casing with locking covers and a secure locking device in place for all groundwater monitoring wells.	LAC 33:VII.805.A.3.c.i	\$200	Per inspection

EXPEDITED PENALTIES			
SOLID WASTE			
Violation	Citation	Amount	Frequency
Failure to have guard posts firmly anchored outside the well slab, but not in contact with the slab.	LAC 33:VII.805.A.3.c.ii	\$200	Per inspection
Failure to sample all wells every six months.	LAC 33:VII.805.C.3	\$500	Per occurrence
Failure to submit groundwater sampling results no later than 90 days after each sampling event in accordance with LAC 33:VII.805.C.5.	LAC 33:VII.805.C.5	\$300	Per occurrence

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
An individual disposing, discarding, burning, and/or abandoning waste tire or waste tire material without written approval from the administrative authority.	LAC 33:VII.10509.B	\$500	Per inspection
A business disposing, discarding, burning, and/or abandoning waste tire or waste tire material without written approval from the administrative authority.	LAC 33:VII.10509.B; 10527.H.2.f	\$1,500	Per inspection
Storage of more than 20 whole waste tires without authorization from the administrative authority.	LAC 33:VII.10509.C	\$200	Per occurrence
Transporting more than 20 waste tires without first obtaining a transporter authorization certificate and a completed manifest satisfying the requirements of LAC 33:VII.10534.	LAC 33:VII.10509.D; 10523.B and 10534.A	\$300	Per occurrence
Storing waste tires for more than 365 days without prior written authorization from the administrative authority.	LAC 33:VII.10509.F; 10527.H.2.f	\$200	Per occurrence
Failure to maintain all required records for five years and/or make available for inspections and/or upon request.	LAC 33:VII.10509.H-J; 10519.D.3; 10519.D.4; 10519.H; 10519.O; 10519.P; 10519.Q; 10521.D.3; 10521.D.4; 10527.A; 10527.H.2.f; 10531.D.6; 10531.D.7; 10532.F; 10534.B.8 and 10534.C.8	\$200	Per inspection
Failure to maintain required records on-site or at an alternative location approved by the administrative authority.	LAC 33:VII.10509.H; 10509.I; 10509.J; 10519.D.4; 10519.H; 10519.O; 10519.Q; 10521.D.4; 10527.A; 10527.H.2.f; 10531.D.7; and 10532.F	\$200	Per inspection
Failure to obtain an identification number within 30 days of commencing business operations.	LAC 33:VII.10519.A; 10521.A	\$300	Per occurrence
Failure to accept one waste tire for every new tire sold unless the purchaser chooses to keep the waste tire.	LAC 33:VII.10519.B	\$100	Per inspection

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Failure to collect appropriate waste tire fee for each tire sold.	LAC 33:VII.10519.C; 10521.B; 10535.B	\$200	Per inspection
Failure to submit monthly waste tire fees and/or fee reports to the state on a monthly basis, as specified in the regulations.	LAC 33:VII.10519.D; 10521.D	\$250	12 or fewer months in violation
Failure to submit monthly waste tire fees and/or fee reports to the state on a monthly basis, as specified in the regulations.	LAC 33:VII.10519.D; 10521.D	\$500	More than 12 months in violation
Failure to post required notifications to the public.	LAC 33:VII.10519.F; 10521.F	\$100	Per inspection
Failure to list the waste tire fee as "LDEQ waste tire fee".	LAC 33:VII.10519.G; 10521.G	\$100	Per inspection
Failure to list the waste tire fee on a separate line on the invoice.	LAC 33:VII.10519.G; 10521.G	\$100	Per inspection
Applying tax to the waste tire fee.	LAC 33:VII.10519.G; 10521.G	\$100	Per inspection
Failure to keep waste tires covered as specified.	LAC 33:VII.10519.I; 10521.J; 10527.H.2.f	\$200	Per inspection
Storing waste tires for more than 120 days without complying with the exceptions for the extended storage time.	LAC 33:VII.10519.J	\$200	Per inspection
Failure to store more than 150 waste tires indoors or in a transportable container.	LAC 33:VII.10519.K	\$250	Per inspection
Failure to use an authorized transporter for removal of waste tires from a place of business.	LAC 33:VII.10519.L	\$500	Per occurrence
Failure to notify authority within 10 days of closure or relocation of the business.	LAC 33:VII.10519.M	\$300	Per occurrence
Failure to segregate waste tires from new or used tires offered for sale.	LAC 33:VII.10519.N	\$200	Per occurrence
Failure to notify within 10 days when any information provided on the waste tire notification changes.	LAC 33:VII.10519.R	\$200	Per occurrence
Failure of a transporter to only accept and transport waste tire from an authorized generator.	LAC 33:VII.10523.F	\$500	Per inspection
Failure of a transporter to transport all waste tires to an authorized collection center, an authorized waste tire transfer station, a permitted processing facility, or an authorized end-market use.	LAC 33:VII.10523.G	\$1,000	Per occurrence
Failure to affix the transporter decal to the driver and passenger sides of each registered vehicle listed on the notification form and/or keep the transporter authorization certificate in the registered vehicle.	LAC 33:VII.10523.H	\$100	Per occurrence
Failure to provide notification in writing within 10 days when any information on the authorization certificate changes or if they cease transporting waste tires.	LAC 33:VII.10523.I	\$100	Per occurrence
Operating a waste tire transfer station without authorization.	LAC 33:VII.10524.A	\$300	Per occurrence
Storing waste tires at a transfer station for more than 10 days.	LAC 33:VII.10524.E	\$200	Per inspection

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Failure to store waste tires in accordance with LAC 33:VII.10524.F.	LAC 33:VII.10524.F	\$200	Per inspection
Failure to maintain waste tire manifests in accordance with LAC 33:VII.10524.G.	LAC 33:VII.10524.G	\$200	Per inspection
Accepting waste tires from a person other than an authorized transporter.	LAC 33:VII.10524.H	\$500	Per inspection
Failure to notify the administrative authority within 10 days of closure or relocation.	LAC 33:VII.10524.I	\$300	Per occurrence
Failure to comply with the provisions of LAC 33:VII.10524.K.	LAC 33:VII.10524.K	\$250	Per inspection
Failure to verify, by counting, the number of eligible and ineligible waste tires upon receiving a shipment.	LAC 33:VII.10525.B.1	\$1,500	Per inspection
Acceptance by a processor of more than 20 unmanifested waste tires per day per customer.	LAC 33:VII.10525.B.2	\$300	Per occurrence
Failure of a processor to maintain a log for all unmanifested loads in accordance with LAC 33:VII.10525.B.2.a-e.	LAC 33:VII.10525.B.2	\$200	Per inspection
Listing, on the unmanifested waste tire log, an ineligible tire as eligible.	LAC 33:VII.10525.C	\$500	Per inspection
Failure to submit monthly reports on or before the 12 day of each month in accordance with LAC 33:VII.10525.D.1-7.	LAC 33:VII.10525.D	\$100	Per occurrence
Failure to submit a timely annual report of the previous year's activity of end-market use projects.	LAC 33:VII.10525.E	\$200	Per occurrence
Failure to meet any of the facility standards listed in LAC 33:VII.10525.G.	LAC 33:VII.10525.G	\$300	Per occurrence
Failure to comply with the provisions of LAC 33:VII.10525.J prior to operating tire splitting equipment.	LAC 33:VII.10525.J	\$300	Per inspection
Failure to maintain complete records in accordance with LAC 33:VII.10525.K.	LAC 33:VII.10525.K	\$200	Per inspection
Failure by a collection center to submit monthly waste tire reports by the 15 of each month.	LAC 33:VII.10527.A; 10527.H.2.f	\$250	12 or fewer months in violation
Failure by a collection center to submit monthly waste tire reports by the 15 of each month.	LAC 33:VII.10527.A; 10527.H.2.f	\$500	More than 12 months in violation
Failure by a collection center to count the number of tires in each shipment.	LAC 33:VII.10527.A; 10527.H.2.f	\$500	Per inspection
Failure by a collection center to accept no more than five unmanifested waste tires per individual, per day, per vehicle.	LAC 33:VII.10527.A.2; 10527.H.2.f	\$300	Per inspection
Failure by a collection center to follow the log requirements for accepting unmanifested waste tires.	LAC 33:VII.10527.A.2; 10527.H.2.f	\$200	Per inspection
Failure of collection center operator to meet the standards in LAC 33:VII.10527.B.	LAC 33:VII.10527.B	\$300	Per occurrence

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Failure to store no more than 3,000 whole waste tires at a time.	LAC 33:VII.10527.C; 10527.H.2.f	\$500	Per inspection
Failure by a government-operated collection center to have personnel present during operational hours, control ingress and/or egress during non-operational hours and/or have staff witnessing the loading and unloading of waste tires.	LAC 33:VII.10527.H.1.b and c	\$500	Per inspection
Failure by a government-operated collection center to comply with the facility standards of LAC 33:VII.10527.H.2.a-d.	LAC 33:VII.10527.H.2.a-d	\$500	Per inspection
Failure by a government-operated collection center to comply with the notification requirements of LAC 33:VI.10527.H.2.e.	LAC 33:VII.10527.H.2.e	\$300	Per occurrence
Failure by property owners to remove waste tires in accordance with LAC 33:VII.10529.A.	LAC 33:VII.10529.A.1	\$200	Per inspection
Failure by property owners to provide adequate disease vector control measures, keep the site free of excess grass, underbrush, and other harborage and/or prevent further disposal of waste tires or other waste.	LAC 33:VII.10529.A.2 and 3	\$200	Per inspection
Failure to have waste tires removed by an authorized waste tire transporter and/or processed by the permitted waste tire processor indicated on the single event clean up form.	LAC 33:VII.10529.B.2	\$200	Per occurrence
Failure by high volume end use facilities to meet the requirements of LAC 33:VII.10531.A.	LAC 33:VII.10531.A	\$300	Per inspection
Failure by high volume end use facilities to maintain a log as required by LAC 33:VII.10531.B.3.	LAC 33:VII.10531.B.3	\$200	Per inspection
Failure to provide a manifest for all waste tire shipments containing more than 20 tires.	LAC 33:VII.10519.H; 10521.I; 10523.B; 10525.F; 10527.F; and 10534.A	\$200	Per occurrence
Failure by a waste tire generator to list ineligible tires on a manifest.	LAC 33:VII.10519.H and 10534.A	\$500	Per inspection
Failure to comply with the provisions of LAC 33:VII.10534.B.1-6.	LAC 33:VII.10519.H; 10521.I; 10525.F; 10527.F; 10527.H.2.f and 10534.B.1-6	\$200	Per inspection
Failure to follow the requirements for manifest discrepancies.	LAC 33:VII.10525.F; 10527.H.2.f; 10534.B.7 and C.7	\$300	Per occurrence
Failure to comply with the provisions of LAC 33:VII.10534.C.1-6.	LAC 33:VII.10525.F; 10527.H.2.f and 10534.C.1-6	\$200	Per inspection

EXPEDITED PENALTIES			
WATER QUALITY—Storm Water General Permit Series (LAR040000, LAR050000, LAR100000, and LAR200000)			
Violation	Citation	Amount ¹	Frequency
* * *			
Failure to prepare and/or implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP) as required by LPDES General Permit LAR040000 and LAR200000.	LAC 33:IX.2701.A	\$300	Per occurrence
Failure to prepare and/or implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP) as required by LPDES General Permit LAR100000 and LAR050000.	LAC 33:IX.2701.A	\$1,000	Per occurrence
Failure to install and maintain erosion and sediment controls from a facility eligible for coverage under LAR100000.	LAC 33:IX.4903.A	\$500	Per occurrence

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

EXPEDITED PENALTIES			
WATER QUALITY—Sanitary General Permit Series LAG530000, LAG540000, LAG560000, LAG570000, and LAG750000			
Violation	Citation	Amount ¹	Frequency
* * *			
Unauthorized discharge of pollutants to waters of the state that do not cause an emergency condition and is from a facility eligible for coverage under LPDES General Permit LAG560000 or LAG570000.	LAC 33:IX.501.D	\$750	Per occurrence
Failure to submit an initial application or Notice of Intent (NOI) for authorization under an LPDES permit within the Sanitary General Permit Series.	LAC 33:IX.2501.A	\$500	Per required submittal
Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG530000.	LAC 33:IX.2701.A	\$250	10 or fewer violations
Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG530000.	LAC 33:IX.2701.A	\$500	More than 10 violations
Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG540000 or LAG750000.	LAC 33:IX.2701.A	\$300	10 or fewer violations
Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG540000 or LAG750000.	LAC 33:IX.2701.A	\$600	More than 10 violations
Failure to comply with effluent limitations and/or monitoring requirements of an LPDES General Permit LAG560000 or LAG570000.	LAC 33:IX.2701.A	\$750	20 or fewer violations

EXPEDITED PENALTIES			
WATER QUALITY—Sanitary General Permit Series LAG530000, LAG540000, LAG560000, LAG570000, and LAG750000			
Violation	Citation	Amount ¹	Frequency
Failure to comply with effluent limitations and/or monitoring requirements of an LPDES General Permit LAG560000 or LAG570000.	LAC 33:IX.2701.A	\$1,500	More than 20 violations
Failure to properly operate and maintain all facilities and systems of treatment and control including sanitary sewer overflows.	LAC 33:IX.2701.E	\$250	Per occurrence

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

EXPEDITED PENALTIES			
WATER QUALITY—Industrial/Commercial General Permit Series LAG030000, LAG110000, LAG380000, LAG420000, LAG470000, LAG480000, LAG490000, LAG670000, and LAG780000			
Violation	Citation	Amount ¹	Frequency

Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Industrial/Commercial General Series.	LAC 33:IX.2701.A	\$1,000	More than 10, but less than or equal to 20 violations

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

EXPEDITED PENALTIES			
WATER QUALITY—Oil and Gas General Permit Series LAG260000, LAG300000, LAG330000, or LAG830000			
Violation	Citation	Amount ¹	Frequency

Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Oil and Gas General Series.	LAC 33:IX.2701.A	\$1,000	More than 10, but less than or equal to 20 violations

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

EXPEDITED PENALTIES			
WATER QUALITY—Other Permits			
Violation	Citation	Amount ¹	Frequency
Unauthorized discharge of pollutants from a permitted facility, which is not covered under a General Permit, as defined in LAC 33:IX.2313.	LAC 33:IX.501.D	\$1,000	Per occurrence
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit, which is not covered under a General Permit as defined in LAC 33:IX.2313.	LAC 33:IX.2701.A	\$500	10 or fewer violations

EXPEDITED PENALTIES			
WATER QUALITY—Other Permits			
Violation	Citation	Amount ¹	Frequency
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit, which is not covered under a General Permit as defined in LAC 33:IX.2313.	LAC 33:IX.2701.A	\$1,000	More than 10, but less than or equal to 20 violations
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit, which is not covered under a General Permit, as defined in LAC 33:IX.2313.	LAC 33:IX.2701.A	\$1,500	More than 20, but less than or equal to 30 violations
Failure to properly operate and maintain all facilities and systems of treatment and control including sanitary overflows.	LAC 33:IX.2701.E	\$500	Per occurrence

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified above.

EXPEDITED PENALTIES			
WATER QUALITY—Nonspecific			
Violation	Citation	Amount ¹	Frequency
Failure to submit any periodic (monthly or quarterly) compliance schedule status report as required in an issued enforcement action.	LAC 33:IX.501.A	\$300	Per required submittal
Unauthorized discharge of any pollutant not specifically authorized by a permit or the Water Quality Regulations.	LAC 33:IX.501.C	\$1,000	Per occurrence
Failure to develop a Spill Prevention and Control (SPC) plan for any applicable facility.	LAC 33:IX.708.C.1.b; LAC 33:IX.905	\$1,000	Per occurrence
Failure to implement any component of an SPC plan which does not result in a release of pollutants to waters of the state.	LAC 33:IX.708.C.1.b; LAC 33:IX.905	\$500	Per occurrence
Failure to implement any component of an SPC plan which results in a release of pollutants to waters of the state.	LAC 33:IX.708.C.1.b; LAC 33:IX.905	\$1,000	Per occurrence
Unauthorized discharge of oily fluids, oil field wastes, and/or produced water.	LAC 33:IX.708.C.1.a; LAC 33:IX.708.C.2; LAC 33:IX.1701.B; LAC 33:IX.1901.A	\$1,000	Per occurrence
Failure to submit an initial application or Notice of Intent (NOI) for authorization under an LPDES permit (excluding permits within the Sanitary General Series and Storm Water General Permit Series).	LAC 33:IX.2501.A	\$1,000	Per required submittal
Failure to reapply for authorization under an LPDES General permit in a timely manner prior to the expiration date of the current permit or as required by the permit.	LAC 33:IX.2501.D	\$250	Per required submittal

EXPEDITED PENALTIES			
WATER QUALITY—Nonspecific			
Violation	Citation	Amount ¹	Frequency
Failure to reapply for an LPDES permit no later than 180 days prior to the expiration date of the permit from a facility not covered under a General Permit, as defined in LAC 33:IX.2313.	LAC 33:IX.2501.D	\$500	Per required submittal
Failure to maintain or submit certain reports as required by any LPDES permit, including, but not limited to, noncompliance reports, storm water reports, pretreatment reports, biomonitoring reports, overflow reports, construction schedule progress reports, environmental audit reports as required by a municipal pollution prevention plan, and toxicity reduction evaluation reports. This does not include the failure to submit Discharge Monitoring Reports (DMRs).	LAC 33:IX.2701.A	\$300	Per required submittal
Failure to maintain any records as required by an LPDES permit.	LAC 33:IX.2701.A	\$200	Per occurrence
Failure to prepare and/or implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP), a Pollution Prevention Plan (PPP), or a Best Management Practices (BMP) Plan as required by any LPDES permit not specified elsewhere in this Chapter.	LAC 33:IX.2701.A	\$1,000	Per occurrence
Failure to submit DMRs as required by any LPDES permit.	LAC 33:IX.2701.L.4	\$100/DMR	Six or less required DMR submittals
Failure to submit DMRs as required by any LPDES permit.	LAC 33:IX.2701.L.4	\$125/DMR	7-12 required DMR submittals
Failure to submit DMRs as required by any LPDES permit.	LAC 33:IX.2701.L.4	\$150/DMR	Greater than 12 and less than or equal to 24 required DMR submittals
Failure to timely submit DMRs as required by any LPDES permit.	LAC 33:IX.2701.L.4	\$150	10 or less required DMR submittals
Failure to timely submit DMRs as required by any LPDES permit.	LAC 33:IX.2701.L.4	\$250	Greater than 10 and less than or equal to 20 required DMR submittals
Failure to comply with sampling requirements of Sewage Sludge and Biosolids Use or Disposal Permit LAJ650000.	LAC 33:IX.7313.A.2	\$400	Per occurrence

EXPEDITED PENALTIES			
WATER QUALITY—Nonspecific			
Violation	Citation	Amount ¹	Frequency
Failure to maintain records or submit certain reports as required by any Sewage Sludge and Biosolids Use or Disposal General Permit LAJ650000 or LAJ660000.	LAC 33:IX.7313.A.2	\$100	Per occurrence
* * *			

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount ¹	Frequency
Failure to register an existing or new UST.	LAC 33:XI.301.A, B, and C	\$300	Per inspection
Failure to certify and provide required information on the department's approved registration form.	LAC 33:XI.301.B.1-2 and 301.C.1	\$200	Per inspection
Failure to provide notification within 30 days after selling a UST system or acquiring a UST system.	LAC 33:XI.301.C.4 and 5	\$300	Per inspection
Failure to keep a current copy of the registration form and registration certificate on-site or at the nearest staffed facility.	LAC:XI.301.C.7 and 8 and/or 509.B.5	\$200	Per inspection
Failure to submit an updated UST-REG form as required.	LAC 33:XI.301.C.2 and 3	\$200	Per inspection
Allowing a regulated substance to be placed into a UST system that has not been registered.	LAC 33:XI.301.C.9	\$1,500	Per inspection
Placing a regulated substance into a UST system that has not been registered.	LAC 33:XI.301.C.10	\$1,500	Per inspection
Allowing a regulated substance to be placed into a UST system that does not have a current registration certificate.	LAC 33:XI.301.C.11	\$1,500	Per inspection
Placing a regulated substance to be placed into a UST system that does not have a current registration certificate.	LAC 33:XI.301.C.12	\$1,500	Per inspection
Failure to install a secondarily contained tank as required after December 20, 2008.	LAC 33:XI.303.D.1.f	\$1,000	Per inspection
Failure to install secondarily contained piping as required after December 20, 2008.	LAC 33:XI.303.D.2.f, g, and h	\$1,000	Per inspection
Failure to install under-dispenser secondary containment as required after December 20, 2008.	LAC 33:XI.303.D.4.a	\$750	Per inspection
Failure to install submersible turbine pump secondary containment as required after December 20, 2008.	LAC 33:XI.303.D.5.a	\$750	Per inspection
Failure to provide corrosion protection to tanks that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303.D.1	\$500	Per inspection
* * *			

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount ¹	Frequency
Failure to provide corrosion protection to flex hoses and/or sub-pumps that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303.D.2	\$500	Per inspection
Failure to comply with the spill and/or overfill prevention equipment requirements as specified.	LAC 33:XI.303.D.3	\$300	Per inspection
Failure to ensure that the individual exercising supervisory control over installation-critical junctures is certified in accordance with LAC 33:XI.Chapter 13.	LAC 33:XI.303.D.6.b.ii and iii	\$1,500	Per occurrence
Failure of a UST owner or operator to notify the department in writing at least 30 days before beginning an installation, renovation, upgrade, or repair as specified.	LAC 33:XI.303.D.6.c; 303.E.7.a; 507.A.1	\$200	Per occurrence
Failure of a UST owner, operator, or certified worker to notify the department seven days prior to performing an installation, repair, or closure critical juncture as specified.	LAC 33:XI.303.D.6.d; 303.E.7.b; 507.A.1.d; 905.A.2	\$100	Per occurrence
Failure to upgrade an existing UST system to new system standards as specified.	LAC 33:XI.303.E	\$1,300	Per inspection
Failure to pay fees by the required date.	LAC 33:XI.307.F	\$200	Per inspection
Failure to report any spill and/or overfill, as specified in LAC 33:XI.713.	LAC 33:XI.501.C	\$500	Per inspection
Failure to investigate and/or clean up any spill and/or overfill.	LAC 33:XI.501.C	\$1,500	Per inspection
Failure to inspect an overfill device by removal in accordance with LAC 33:XI.511.A.3 within seven days of any tank overfill event.	LAC 33:XI.501.D	\$500	Per inspection
Failure to remove from service and repair, replace, permanently or temporarily close a UST system that overfills due to tank or piping manifold issues.	LAC 33:XI.501.E	\$1,000	Per inspection
Failure to continuously operate and maintain corrosion protection to the metal components of portions of the tank and piping that routinely contain regulated substances and are in contact with the ground or water.	LAC 33:XI.503.A.1	\$300	Per inspection
Failure to have a UST system equipped with a cathodic protection system inspected and/or tested for proper operation as specified.	LAC 33:XI.503.A.2	\$300	Per inspection
Failure to inspect a UST system with an impressed current cathodic protection system every 60 days to ensure that the equipment is running properly.	LAC 33:XI.503.A.3	\$300	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount ¹	Frequency
Failure to notify the department within 30 days of September 20, 2018, or prior to switching to a regulated substance containing greater than 10 percent ethanol or greater than 20 percent biodiesel as specified.	LAC 33:XI.505.C	\$200	Per inspection
Failure to demonstrate compatibility of the UST system if storing a regulated substance containing greater than 10 percent ethanol or greater than 20 percent biodiesel.	LAC 33:XI.505.C	\$750	Per inspection
Failure to meet requirements for repairs to UST systems.	LAC 33:XI.507	\$300	Per inspection
Failure to ensure that the individual exercising supervisory control over repair-critical junctures is certified.	LAC 33:XI.507.A.2	\$1,000	Per occurrence
Failure to maintain required information and/or keep records at the UST site and make them immediately available or keep them at an alternative site and provide them after a request.	LAC 33:XI.509.B and C	\$200	Per inspection
Failure to test/inspect spill prevention equipment, overfill prevention equipment, or containment sumps used for interstitial monitoring as required.	LAC 33:XI.511	\$500	Per inspection
Failure to conduct periodic operation and maintenance walkthrough inspections as required.	LAC 33:XI.513	\$300	Per inspection
Failure to conduct shear valve testing as required.	LAC 33:XI.515	\$500	Per inspection
Failure of Class A, B, or C UST operators to be trained and certified in accordance with the regulations and deadlines in LAC 33:XI.607.	LAC 33:XI.603.A.2	\$250	Per occurrence
Failure of Class A or B UST operators to be retrained in accordance with LAC 33:XI.603 and 605 within three years of initial training.	LAC 33:XI.609.A	\$250	Per occurrence
Failure of a Class C operator to be re-trained after beginning work at a UST facility owned by an operator that did not provide the Class C operators initial training.	LAC 33:XI.609.B	\$150	Per occurrence
Failure to meet the performance requirements when performing release detection required in LAC 33:XI.703.	LAC 33:XI.701; 703.A.2.b, c, and d, 703.A.4	\$500	Per inspection
Failure to conduct an annual performance test on automatic line leak detectors as required.	LAC 33:XI.701.B.1	\$350	Per occurrence
Failure to use a method or combination of methods of release detection described in LAC 33:XI.701 for all UST systems.	LAC 33:XI.703.A.1	\$1,500	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount ¹	Frequency
Failure to monitor tanks for releases at least once every 30 days as specified.	LAC 33:XI.703.B.1.a	\$350	Per inspection
Failure to conduct tank interstitial monitoring as specified.	LAC 33:XI.703.B.1.b	\$500	Per inspection
Failure to monitor underground piping for releases as specified.	LAC 33:XI.703.B.2.a	\$500	Per occurrence
Failure to conduct interstitial monitoring on piping as specified.	LAC 33:XI.703.B.2.b	\$500	Per inspection
Failure to report any suspected release within 24 hours after becoming aware of the occurrence or when a leak detection method indicates that a release may have occurred.	LAC 33:XI.703.A.3 or 707	\$500	Per occurrence
Failure to investigate and confirm any suspected release of a regulated substance requiring reporting under LAC 33:XI.707 within seven days of detection.	LAC 33:XI.711	\$1,500	Per occurrence
Failure to immediately stop ongoing aboveground releases.	LAC 33:XI.713.A	\$1,500	Per inspection
Failure to maintain corrosion protection on a UST system that is temporarily closed as specified.	LAC 33:XI.903.A	\$500	Per inspection
Failure to permanently close a UST system that has not maintained the corrosion protection system requirements as specified.	LAC 33:XI.903.A.1.a; LAC 33:XI.903.A.3.a; and LAC 33:XI.903.A.4.a	\$1,000	Per inspection
Failure to maintain release detection on a UST system that is temporarily closed and contains more than 2.5 cm (1 inch) of residue, or 0.3 percent by weight of the total capacity of the UST system.	LAC 33:XI.903.B	\$500	Per inspection
Failure to permanently close tanks that do not meet the required performance standards.	LAC 33:XI.903.D	\$1,000	Per inspection
Failure to perform and/or submit a site assessment within 24 months of the date tanks are placed into temporary closure.	LAC 33:XI.903.E	\$500	Per inspection
Failure to conduct a tank, line or leak detector test within five days of returning to service a UST system that has been temporarily closed for three months or more.	LAC 33:XI.903.F	\$1,000	Per inspection
Failure to comply with permanent closure and/or changes in service procedures.	LAC 33:XI.905	\$500	Per inspection
Failure to use a certified worker for tank closure.	LAC 33:XI.905.A.2	\$1,000	Per inspection
Failure to assess the site at closure or change-in-service where contamination is most likely to be present in accordance with the guidelines established by the department.	LAC 33:XI.907.A	\$500	Per occurrence

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount ¹	Frequency
Failure to submit the closure assessment form and the closure assessment results in duplicate within 60 days following permanent closure or change-in-service.	LAC 33:XI.907.A	\$500	Per occurrence
Failure to begin corrective action of contaminated soils, contaminated groundwater, or free product discovered through methods in LAC 33:XI.907.A, in accordance with LAC 33:XI.715.	LAC 33:XI.907.B	\$1,500	Per occurrence
Failure of a UST owner or operator covered by the Underground Motor Fuel Storage Tank Trust Fund to maintain on file a copy of the current registration certificate.	LAC 33:XI.1133.B.5	\$200	Per inspection
No person shall conduct critical junctures of a UST system unless the person present at the site and exercising responsible supervisory control over the critical juncture is currently certified in accordance with LAC 33:XI.Chapter 13.	LAC 33:XI.1301.B	\$1,500	Per inspection

¹In accordance with LAC 33:XI.609.C, the department may require the Class A and/or Class B UST operator to attend either a department-sponsored compliance class that addresses the noted noncompliant areas or an acceptable operator training course as determined by the department within the time frame given in the notification by the department.

EXPEDITED PENALTIES			
RADIATION			
Violation	Citation	Amount	Frequency
Failure to perform and maintain records of an annual inventory of all sealed sources, showing the sealed source identity, location, date of inventory, and name of individual(s) performing the inventory.	LAC 33:XV.104.B	\$300	Per occurrence
Failure to register the radiation machine or facility in accordance with LAC 33:XV.204.A.1-3.	LAC 33:XV.204.A	\$500	Per occurrence
Failure to comply with any license condition.	LAC 33:XV.320	\$400	Per occurrence
Failure to request, in writing, a termination of license when licensee decides to terminate all activities involving radioactive material authorized under the license.	LAC 33:XV.332.B	\$250	Per inspection
Failure to submit a timely and complete license renewal application 30 days prior to expiration of existing license or notify the Office of Environmental Compliance, in writing, if the licensee decides not to renew the license.	LAC 33:XV.332.C	\$250	Per occurrence
Failure of licensed transferor to verify that the transferee is licensed to receive the radioactive materials.	LAC 33:XV.340.C	\$1,000	Per occurrence

EXPEDITED PENALTIES			
RADIATION			
Violation	Citation	Amount	Frequency
Failure to immediately report after the discovery of an event that prevents immediate protective actions to avoid exposure or releases of materials that could exceed regulatory limits.	LAC 33:XV.341.A	\$1,500	Per occurrence
Failure to notify the Office of Environmental Compliance by telephone within 24 hours after discovery of an event involving licensed material as specified in LAC 33:XV.341.B.1-4.	LAC 33:XV.341.B	\$500	Per occurrence
Failure to submit a written follow-up within 30 days of the initial report required by LAC 33:XV.341.A or B.	LAC 33:XV.341.C	\$500	Per occurrence
Failure to provide adequate or accurate information on notification of reciprocity.	LAC 33:XV.390.A.2	\$250	Per occurrence
Failure to test sealed sources for leakage or contamination.	LAC 33:XV.426.A; or LAC 33:XV.544.B	\$500	Per occurrence
Failure to use an authorized person(s) to conduct tests for leakage and contamination of sealed sources.	LAC 33:XV.426.C	\$250	Per occurrence
Failure to perform required surveys or monitoring with properly calibrated instruments.	LAC 33:XV.430	\$500	Per inspection
Failure to secure licensed or registered radioactive material from unauthorized removal or access.	LAC 33:XV.445.A	\$500	Per occurrence
Failure to maintain constant surveillance or use devices or administrative procedures to prevent unauthorized use of licensed or registered radioactive material that is in a controlled or unrestricted area and that is not storage.	LAC 33:XV.445.B	\$500	Per occurrence
Failure to secure registered radiation machines from unauthorized removal.	LAC 33:XV.445.C	\$500	Per occurrence
Failure to post each radiation area with conspicuous signage.	LAC 33:XV.451; LAC 33:XV.586.A	\$300	Per occurrence
Failure to ensure labeling of each container and source of radiation in accordance with LAC 33:XV.453.A.	LAC 33:XV.453.A	\$250	Per occurrence
Failure to maintain records of results of surveys and calibrations as required by LAC 33:XV.430 and LAC 33:XV.455.D for three years after the record is made.	LAC 33:XV.472.A	\$200	Per inspection
Failure to maintain records of tests for leakage or contamination of sealed sources as required by LAC 33:XV.426 for five years after the record is made.	LAC 33:XV.426.D; and 473.A	\$200	Per inspection
Failure to maintain records of doses received by all individuals for whom monitoring was required.	LAC 33:XV.476.A	\$200	Per inspection

EXPEDITED PENALTIES			
RADIATION			
Violation	Citation	Amount	Frequency
Failure to immediately report lost, stolen, or missing licensed or registered radioactive material in an aggregate quantity greater than 1,000 times the quantity specified in LAC 33:XV.499.Appendix C.	LAC 33:XV.485.A.1	\$1,500	Per occurrence
Failure to submit a written report within 30 days following a required telephone report to the Office of Environmental Compliance.	LAC 33:XV.485.B	\$500	Per occurrence
Failure to submit a written report within 30 days to the Office of Environmental Compliance following any of the occurrences specified in LAC 33:XV.487.A.1-3.	LAC 33:XV.487	\$500	Per occurrence
Failure to have a locked or outer locked container on each radiographic exposure device to prevent unauthorized or accidental removal.	LAC 33:XV.541	\$500	Per occurrence
Failure to perform a vehicle survey on any vehicle used for storage of radioactive material after securing material but before transport, to ensure that radiation levels do not exceed limits specified in LAC 33:XV.421.A.	LAC 33:XV.542.C	\$500	Per occurrence
Failure to test for depleted uranium (DU) contamination annually.	LAC 33:XV.544.F	\$300	Per occurrence
Failure to maintain records of sealed sources using depleted uranium (DU) for shielding for a period of three years.	LAC 33:XV.544.G	\$200	Per inspection
Failure to maintain current utilization logs and make them available to inspectors for three consecutive years.	LAC 33:XV.546.A	\$250	Per inspection
Failure to ensure that, whenever radiography is performed at a location other than the permanent radiographic installation, the radiographer is accompanied by at least one other qualified radiographer or, if the radiographer is a qualified instructor, a qualified radiographer trainee.	LAC 33:XV.573	\$500	Per occurrence
Failure to ensure an individual has completed the requirements specified in LAC 33:XV.575.A-B, before permitting such individual to act as a radiographer or radiographer trainee.	LAC 33:XV.575.A-B	\$1,500	Per occurrence
Failure to maintain records for each radiographer and radiographer trainee, as specified in LAC 33:XV.575.C.1-2.	LAC 33:XV.575.C	\$300	Per occurrence
Failure to conduct internal audits at least every six months and maintain records for two years.	LAC 33:XV.575.D	\$200	Per occurrence

EXPEDITED PENALTIES			
RADIATION			
Violation	Citation	Amount	Frequency
Failure to ensure that any individual acting as a radiographer is wearing, on the trunk of the body, a direct-reading pocket dosimeter, an alarm ratemeter, and a personnel dosimeter.	LAC 33:XV.577.A	\$1,000	Per occurrence
Failure to ensure pocket dosimeters are: in range and charged at least daily or at the start of each shift, assigned and worn by one individual, and checked for proper response annually.	LAC 33:XV.577.B	\$500	Per occurrence
Failure to read and record exposures of direct reading dosimeters, such as electronic personal dosimeters or pocket dosimeters, daily with use at the beginning and end of each shift.	LAC 33:XV.577.D	\$300	Per occurrence
Failure to maintain records of direct reading dosimeters for three years,	LAC 33:XV.577.D	\$200	Per occurrence
Failure to perform radiation survey after each radiographic exposure.	LAC 33:XV.587.B	\$500	Per occurrence
Failure to have documents or records available at the job site for inspection, as specified in LAC 33:XV.588.A.1-11.	LAC 33:XV.588.A	\$200	Per inspection
Failure to ensure X-ray operator, other professional staff, and ancillary personnel are protected from direct scatter radiation by protective aprons or whole body protective barriers.	LAC 33:XV.603.A.5.b	\$500	Per inspection
Failure to perform periodic measurement of entrance exposure rates at installation, annually thereafter, or after any maintenance of the X-ray fluoroscopic system.	LAC 33:XV.605.A.3.b.i	\$1,000	Per occurrence
Failure to ensure that individuals are not exposed to the useful beam except for healing arts purposes and unless such exposure has been authorized by a licensed practitioner of the healing arts.	LAC 33:XV.603.A.7	\$1,000	Per occurrence
Failure to report any medical event, in which the administration of radiation involves the wrong patient, a procedure different than that which was authorized by the licensed practitioner, or a body site different from that which was authorized and intended to be exposed by the authorized X-ray procedure, as specified in LAC 33:XV.613.A.1-4.	LAC 33:XV.613.A	\$500	Per occurrence

EXPEDITED PENALTIES			
RADIATION			
Violation	Citation	Amount	Frequency
Failure to internally report, investigate, document and address within the facility any administration of radiation involving a wrong patient, a procedure different than that which was authorized by a licensed practitioner, or a wrong body site imaged.	LAC 33:XV.613.B	\$500	Per occurrence
Failure to maintain records for a period of five years of any internal investigation within the facility of the administration of radiation involving a wrong patient, a procedure different from that which was authorized by a licensed practitioner, or a wrong body site imaged.	LAC 33:XV.613.B	\$200	Per inspection
Failure to develop a written program to maintain radiation doses and releases of radioactive material in effluents to unrestricted areas as low as reasonably achievable (ALARA).	LAC 33:XV.705.A	\$1,000	Per occurrence
Failure to implement any component of the written ALARA program.	LAC 33:XV.705.A	\$500	Per occurrence
Failure to check each dose calibrator for constancy at the beginning of each day of use.	LAC 33:XV.715.B.1	\$300	Per occurrence
Failure to test each dose calibrator for accuracy upon installation and not to exceed 12 months thereafter.	LAC 33:XV.715.B.2	\$300	Per occurrence
Failure to test each dose calibrator for linearity upon installation and not to exceed three months thereafter.	LAC 33:XV.715.B.3	\$300	Per occurrence
Failure to test each dose calibrator for geometry dependence upon installation over the range of volumes and volume configurations.	LAC 33:XV.715.B.4	\$300	Per occurrence
Failure to maintain records of each test and check specified in LAC 33:XV.715.B.1-4 for a period of two years.	LAC 33:XV.715.E	\$200	Per inspection
Failure to calibrate survey instruments before first use, annually, and following repair.	LAC 33:XV.716.A	\$300	Per occurrence
Failure to ensure that sealed sources are tested for leakage at intervals not to exceed once every six months or at other approved intervals.	LAC 33:XV.719.B.2	\$500	Per occurrence
Failure to maintain records of leak test for two years.	LAC 33:XV.719.D	\$200	Per inspection
Failure to conduct a physical inventory of all sealed sources and brachytherapy sources every three months.	LAC 33:XV.719.G	\$300	Per occurrence
Failure to conduct a survey every three months of all areas where sealed sources or brachytherapy sources are stored.	LAC 33:XV.719.H	\$500	Per occurrence

EXPEDITED PENALTIES			
RADIATION			
Violation	Citation	Amount	Frequency
Failure to ensure individuals who prepare or administer radiopharmaceuticals use a syringe shield.	LAC 33:XV.720.B	\$500	Per inspection
Failure to post current copies of all documents listed in LAC 33:XV.1011.A-C.	LAC 33:XV.1011	\$200	Per inspection
Failure to transport radioactive material in accordance with LAC 33:XV.1504.A-D.	LAC 33:XV.1504	\$500	Per inspection
Failure to coordinate with a local law enforcement agency (LLEA) at least every 12 months, or when changes to the facility design or operation adversely affect the potential vulnerability of the respondent's material to theft, sabotage, or diversion.	LAC 33:XV.1625.D	\$500	Per occurrence

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2243 (December 2006), amended LR 34:1393 (July 2008), LR 35:62 (January 2009), amended by the Office of the Secretary, Legal Division, LR 42:236 (February 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1790 (July 2022).

Dwana C King
General Counsel

2207#030

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**Regulation and Licensing of Naturally Occurring
Radioactive Material (NORM)
(LAC 33:XV.Chapter 14)(RP067)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.1403, 1404, 1407, 1408, 1409, 1410, 1411, 1412, 1416, 1417, 1418, 1420, 1421, and 1499 (RP067).

This Rule updates the regulations pertaining to Naturally Occurring Radioactive Materials (NORM). These proposed changes to the state regulations are necessary to clarify some misunderstandings and misinterpretations of the previous NORM regulations. A section on specific licenses has been added and a section on types of general licenses was moved. Notification procedures have also been clarified and a new section pertaining to acceptable surface contamination levels for NORM has been added. The basis and rationale for this Rule are to enable the state to more consistently and fairly apply the NORM regulations across the entire NORM regulated community. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no

report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted upon the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 14. Regulation and Licensing of Naturally Occurring Radioactive Material (NORM)

§1403. Definitions

A. ...

Decontamination— the cleaning process of removing or reducing residual radioactivity from equipment, buildings, structures, and land owned, possessed, or controlled by other persons to a level that permits release of equipment, buildings, structures, and land for unrestricted use or termination of license.

Equipment—any apparatus associated with the potential for or actual enhancement of NORM. Examples include, but are not limited to, tubular goods, piping, vessels, wellheads, separators, and condensers. *Equipment* does not include biodegradable material.

Nonhazardous Oilfield Waste (NOW)—a type of exploration and production waste; solid material produced from oil and gas related activities that contain exempt quantities of hazardous components according to the Resource Conservation and Recovery Act (RCRA).

NORM Waste—any solid, liquid, or gaseous material or combination of materials, excluding source material, special nuclear material and by-product material, that:

- a. in its natural physical state emits radiation;
- b. is discarded or unwanted;
- c. prior to treatment or processing that reduces the radioactivity concentration, exceeds exemption criteria specified in LAC 33:XV.1404.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Nuclear Energy Division, LR 15:736 (September 1989), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:604 (June 1992), LR 21:24 (January 1995), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1805 (July 2022).

§1404. Exemptions

A. - A.2. ...

B. Equipment, which contains NORM, is exempt from the requirements of these regulations, except LAC 33:XV.1409, if the maximum radiation exposure level does not exceed 50 microroentgens per hour at any accessible point.

C. Except as provided in LAC 33:XV.1408, 1409, and 1417, land is exempt from the requirements of this Chapter if it contains material at concentrations less than the limits specified below, in samples averaged over any 100 square meters with no single noncomposited sample to exceed 60 picocuries per gram of soil:

C.1. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Nuclear Energy Division, LR 15:736 (September 1989), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:605 (June 1992), LR 21:25 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2599 (November 2000), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1805 (July 2022).

§1407. Surveys

A. - C. ...

D. Any survey submitted to the department shall include the qualifications of the individual performing the survey. Individuals performing and documenting the surveys shall demonstrate understanding of the subjects outlined in LAC 33:XV.1499.Appendix A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21:26 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2599 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2536 (October 2005), LR 33:2188 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1806 (July 2022).

§1408. General License

A. - A.6. ...

a. A general licensee is authorized to store NORM waste in a container for 90 days from the date of generation. After such time, the NORM waste shall be transferred to an authorized facility for purposes of treatment, storage, or disposal.

b. To store NORM waste in a container for up to 365 days from generation, a general licensee shall first submit a written NORM waste management plan to the Office of Environmental Compliance and receive authorization from the department. The general licensee may store NORM waste in containers up to 365 days from generation under the written NORM waste management plan while waiting for department determination.

A.7. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21:26 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2599 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2536 (October 2005), LR 33:2188 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1806 (July 2022).

§1409. General Licenses: Pipe Yards, Storage Yards, or Production Equipment Yards

A. A general license is hereby issued for pipe yards or storage yards or production equipment yards to receive, possess, process, and clean tubular goods or equipment that are contaminated with scale or residue but do not exceed 50 microontgens per hour, provided:

1. the department is notified at least 90 days prior to receipt of tubular goods or equipment that are contaminated

with scale or residue but do not exceed 50 microontgens per hour;

2. a program is developed and submitted to the Office of Environmental Compliance for approval to screen incoming shipments to ensure that the 50-microontgens-per-hour limit is not exceeded for individual pieces of tubular goods or equipment;

3. a program is developed and submitted to the Office of Environmental Compliance for approval to ensure worker protection, as outlined in LAC 33:XV.1499.Appendix B;

4. a program is developed and submitted to the Office of Environmental Compliance for approval to control soil contamination;

5. a program is developed and submitted to the Office of Environmental Compliance for approval to prevent release of NORM contamination beyond the site boundary;

6. a program is developed and submitted to the Office of Environmental Compliance for approval for surveying and decontamination to ensure that soil contamination is not allowed to exceed 200 picocuries per gram of radium-226 or radium-228 or an exposure rate of 50 microontgens per hour at one meter from the soil at any time;

7. a plan for cleanup is submitted to the Office of Environmental Compliance within 180 days of the discovery of NORM contaminated soil in excess of the limit in Paragraph A.6 of this Section. The plan shall include a schedule for cleanup that is to be approved by the department. The general licensee may include in this plan an application to the department for a one time authorization to perform this cleanup or use a specific licensee; and

8. before releasing the property for unrestricted use, the soil is decontaminated to a level not to exceed 5 picocuries per gram above background of radium-226 or radium-228 unless other limits are approved by the department.

B. A specific license pursuant to LAC 33:XV.1410 is required for the decontamination of tubular goods or equipment that exceed the 50 microontgens per hour limit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Nuclear Energy Division, LR 15:736 (September 1989), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:605 (June 1992), LR 21:26 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2599 (November 2000), LR 30:1189 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2536 (October 2005), LR 33:2189 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1806 (July 2022).

§1410. Specific Licenses

A. Unless otherwise exempted in accordance with LAC 33:XV.1404, persons receiving NORM waste from other persons for storage, disposal, or processing, or persons who process NORM for other persons at temporary job sites shall be specifically licensed in accordance with the requirements of this Section. Persons who are authorized to treat or dispose of NORM waste and/or waste containing NORM in accordance with §1412.B.2 shall submit an application for a specific license pursuant to §1410.C within 365 days of the effective date of this rule.

B. Persons conducting deliberate operations to decontaminate the following shall be specifically licensed in accordance with the requirements of this Section:

1. buildings and structures owned, possessed, or controlled by other persons and contaminated with NORM in excess of the levels set forth in LAC 33:XV.1421; or

2. equipment or land owned, possessed, or controlled by other persons and not otherwise exempted under the provisions of LAC 33:XV.1404.

C. Filing Application for Specific Licenses

1. Applications for specific licenses shall be filed on forms DRC-11 and DRC-13.

2. The department may at any time after the filing of the original application, and before the expiration of the license, require further information in order to determine whether the application should be granted or denied, or whether a license should be modified or revoked.

3. Each application shall be signed by the applicant or licensee, or a person duly authorized to act for and on the licensee's behalf.

4. A license application may include a request for a license authorizing one or more activities.

5. Applications and documents submitted to the department may be made available for public inspection. The department may, however, withhold any document or part thereof from public inspection in accordance with LAC 33:I.Chapter 5.

6. Each application for a specific license shall be accompanied by the fee prescribed in LAC 33:XV.2599.

D. Requirements for the Issuance of Specific Licenses

1. A license application will be approved if the department determines that:

a. the applicant is qualified by reason of training and experience to handle the material or waste in question for the purpose requested, according to this Section, and in a manner that minimizes danger to public health and safety, property, and the environment;

b. the applicant's proposed buildings, structures, equipment, and procedures are adequate to minimize danger to public health and safety, property, and the environment;

c. the issuance of the license will not adversely affect the health and safety of the public;

d. the applicant has met the financial security requirements of LAC 33:XV.1420;

e. the applicant satisfies any applicable special requirements in Sections D.2 and D.3.

2. An application for a specific license to decontaminate equipment or land not otherwise exempted under the provisions of LAC 33:XV.1404 or buildings and structures contaminated with NORM in excess of the levels set forth in LAC 33:XV.1421, as applicable, will be approved if:

a. the applicant satisfies the requirements specified in LAC 33:XV.1410.D.1; and

b. the applicant has adequately addressed the following items in the application:

i. procedures and equipment for monitoring and protection of workers;

ii. an evaluation of the radiation levels and concentrations of contamination expected during normal operations;

iii. operating and emergency procedures; and

iv. a method of managing the NORM waste removed from contaminated equipment, buildings, structures, and land for disposal or storage.

3. An application for a specific license for persons who receive NORM waste from other persons for processing or disposal, or persons who process NORM for other persons at temporary job sites in accordance with LAC 33:XV.1410.A will be approved if:

a. the applicant satisfies the requirements specified in LAC 33:XV.1410.D.1; and

b. the applicant has adequately addressed the following items in the application:

i. procedures and equipment for monitoring and protection of workers;

ii. an evaluation of the radiation levels and concentrations of contamination expected during normal operations; and

iii. operating and emergency procedures; and

c. additionally, the applicant has adequately addressed the following items in the application if the applicant is a disposal facility:

i. the identity and activity of the radioisotopes received;

ii. procedures for groundwater and stormwater analytical testing;

iii. procedures for addressing results of groundwater and stormwater analytical testing that exceed LAC 33:XV.499 Table II;

iv. procedures for safely receiving the waste and on-site storage of the waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1806 (July 2022).

§1411. Protection of Workers during Operations

A. Each person subject to the general license requirements in LAC 33:XV.1408 or 1409 or a specific license shall conduct operations in compliance with the radiation protection standards set forth in LAC 33:XV.Chapter 4 and LAC 33:XV.1499.Appendix B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Nuclear Energy Division, LR 15:737 (September 1989), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:606 (June 1992), LR 21:27 (January 1995), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1807 (July 2022).

§1412. Treatment, Transfer, and Disposal

A. Each person subject to the general license requirements in LAC 33:XV.1408 or 1409 or subject to a specific license shall manage, treat or dispose of wastes containing NORM in accordance with:

A.1. - D. ...

E. Notifications

1. The disposal facility shall notify the department if a shipment is rejected, based on rejection procedures approved by the department during application process, after its occurrence becomes known to the licensee. Notification shall be made by telephone at (225) 765-0160 in accordance with LAC 33:I.3923. Within 30 days after making the

telephone report, make a written report to the Office of Environmental Compliance using the procedures provided in LAC 33:I.3925.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:606 (June 1992), amended LR 21:27 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2600 (November 2000), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1807 (July 2022).

§1416. Inspections of Storage Tanks Containing NORM Waste

A. As part of an inspection program the licensee shall develop a schedule and procedure for assessing the condition of each tank containing NORM waste. The schedule and procedure shall be adequate to detect cracks, leaks, corrosion, and erosion that may lead to cracks, leaks, or wall thinning to less than the required thickness. Procedures for emptying a tank to allow entry, procedures for personnel protection, and inspection of the interior shall be established when necessary to detect corrosion or erosion of the tank sides and bottom. The frequency of these assessments shall be based on the material of construction of the tank, type of corrosion or erosion protection used, rate of corrosion or erosion observed during previous inspections, and the characteristics of the waste being treated or stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:607 (June 1992), amended LR 21:28 (January 1995), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1808 (July 2022).

§1417. Release for Unrestricted Use

A. ...

1. For general or specific licensees that have an area or soil with contamination above the limits of LAC 33:XV.1404 and soil decontamination shall be performed, the decontamination of soil shall be to 5 picocuries per gram above background of radium-226 or radium-228.

2. For general or specific licensees who have equipment with a maximum exposure level above that specified in LAC 33:XV.1404, equipment decontamination shall be performed to reduce the exposure levels below those specified in LAC 33:XV.1404 and ensure that the equipment is free of loose contamination.

3. ...

B. If closure activities involve construction with a subsurface impact to a depth greater than three feet, prior approval by the Office of Environmental Compliance shall be attached as part of the application addressing the certification of the groundwater quality. All pits, ponds, and lagoons shall comply with departmental regulations and/or policies dealing with groundwater quality.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:607 (June 1992), amended LR 21:28 (January 1995), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 26:2600 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2537 (October 2005), LR 33:2189 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1808 (July 2022).

§1418. NORM Manifests

A. ...

B. The manifest form shall be obtained from the department and shall consist of, at a minimum, the number of copies that will provide the licensee, each transporter, and the operator of the designated facility with one copy each for their records with the remaining copies to be returned to the licensee and the other appropriate parties.

C. ...

1. A licensee who transports, or offers for transportation, NORM waste and NORM contaminated equipment to a facility specifically licensed for treatment, decontamination, storage, or disposal shall prepare and sign sufficient copies of a manifest before transporting the NORM off-site.

2. A licensee shall designate on the manifest one facility which is permitted to handle the NORM described on the manifest.

3. If the transporter is unable to deliver the NORM to the designated facility, the licensee shall either designate another facility or instruct the transporter to return the NORM.

4. Licensees shall provide a statement concerning the nature of the material and general guidelines for an emergency situation involving this waste to accompany the manifest on shipments and loads.

5. ...

6. Before initiating a shipment, licensees shall obtain written confirmation of the acceptability of the NORM or NORM waste from the operation of the specifically licensed commercial treatment, decontamination, storage, or disposal facility. The confirmation shall be maintained by the affected licensees as part of their manifest records.

7. The licensee receiving a shipment is required to report to the Office of Environmental Compliance and to the licensee initiating the shipment any irregularities between the NORM actually received by the designated facility and the NORM described on the manifest, or any other irregularities, within 15 days. If the designated facility or receiving licensee is outside the state of Louisiana, the generating or originating licensee shall report the irregularities to the department.

D. Required Information

1. The manifest shall contain all of the following information prior to leaving the licensee's site:

a. - f. ...

2. The certification that appears on the manifest shall be read, signed, and dated by the licensee as follows:

"I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport according to applicable international and national government regulations."

E. ...

1. The licensee shall:

a. - c. ...

2. The licensee shall give the transporter the remaining copies of the manifest.

3. The licensee shall receive the fully signed copy of the manifest from the designated facility within 45 days from the delivery to the initial transporter. In the event the licensee does not receive the signed manifest timely, the licensee shall:

E.3.a. - F.1. ...

2. Before transporting the NORM, the transporter shall sign and date each copy of the manifest acknowledging acceptance of the NORM from the licensee or previous transporter and return a signed copy to the licensee or previous transporter.

F.3. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:608 (June 1992), amended LR 21:28 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2600 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2537 (October 2005), LR 33:2189 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1808 (July 2022).

§1420. Financial Security Requirements for NORM Treatment, Storage, or Disposal

A. Each general or specific licensee that stores NORM or NORM waste for greater than 90 days, and each specific licensee that leases or owns a physical location and that physically or chemically treats or stores NORM or NORM waste shall post with the department financial security to ensure the protection of the public health and safety and the environment in the event of abandonment, default, or other inability or unwillingness of the licensee to meet the requirements of the Act and these rules. Financial security shall:

1. name the department as beneficiary with a bond issued by a fidelity or surety company authorized to do business in Louisiana, a personal bond secured by such collateral as the department deems satisfactory, a cash bond, a liability endorsement, or a letter of credit. The amount of the bond, liability endorsement, or letter of credit shall be equal to or greater than the amount of the security required. Any security shall be available in Louisiana and subject to judicial process and execution in the event required for the purposes set forth in this Section, and be continuous for the term of the license;

A.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:609 (June 1992), amended LR 21:30 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2601 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2537 (October 2005), LR 33:2189 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1809 (July 2022).

§1421. Acceptable Surface Contamination Levels for NORM

A. The following table is to be used in determining compliance with LAC 33:XV.332 and 1408.

	Average ^{bef}	Maximum ^{bdf}	Removable ^{bcef}
NORM	5,000 dpm/ 100 cm ²	15,000 dpm/ 100 cm ²	1,000 dpm/ 100 cm ²

^a Surfaces suspected of being contaminated with alpha and beta emitting naturally occurring radionuclides shall be surveyed with detectors that respond to alpha and beta radiation. The same method shall be employed when evaluating wipe samples for removable contamination.

^b As used in this table, dpm (disintegrations per minute) means the rate of emission by naturally occurring radioactive material as determined by using a ratemeter or scaler and detector appropriate for the type and energy of emissions being monitored. The detector shall be capable of responding to alpha, beta, and/or gamma radiations.

^c Measurements of average contamination level shall not be averaged over more than 1 m². For objects of less surface area, the average shall be derived for each object.

^d The maximum contamination level applies to an area of not more than 100 cm².

^e The amount of removable radioactive material per 100 cm² of surface area shall be determined by wiping that area with dry filter or soft absorbent paper, applying moderate pressure, and assessing the amount of radioactive material on the wipe with an appropriate instrument of known efficiency. When removable contamination on objects of less surface area is determined, the pertinent levels should be reduced proportionally and the entire surface shall be wiped.

^f All surveys and efficiency determinations shall be made with the detector's active surface no greater than one centimeter from the surface being surveyed, wipe being analyzed, or check source being used. A scaler shall be used when evaluating wipe samples and count times shall be sufficient to detect 10 percent of the applicable limit with 95 percent confidence that the activity would be detected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1809 (July 2022).

§1499. Appendices A, B, and C

Appendix A

Subjects to be Included in Training Courses for Individuals Performing NORM Surveys

The following outline describes the subjects that individuals shall demonstrate competence in prior to being approved as a NORM surveyor.

I. - III. ...

Appendix B

Detailed development of the following shall be included in the required worker protection plan:

I. - VI. ...

VII. Other operational procedures.

For operations that have the potential to produce NORM contaminated dusts (i.e., cutting, grinding, sand-blasting, welding, drilling, polishing, or handling soil) or when loose contamination is suspected, the following additional precautions shall be taken:

I. ...

II. Safety glasses shall be worn for eye protection.

III. ...

IV. Ground covers shall be utilized to the extent possible to contain contaminants and facilitate cleanup.

V. ...

In addition to the general requirements given above, there may be industrial operations such as vessel entry, dismantling of equipment, refurbishing of equipment, or transportation, which may require additional precautionary procedures which shall be included in the worker protection procedures submitted to the department.

Appendix C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:609 (June 1992), amended LR 21:30 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2601 (November 2000), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1809 (July 2022).

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2207#030

RULE

**Office of the Governor
Division of Administration
Racing Commission**

**Wagering on Historical Horse Racing
(LAC 35:XVII.Chapter 131)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, the Racing Commission has adopted LAC 35:XVII.Chapter 131. This action has been deemed necessary by the Racing Commission to prevent imminent peril to the public health, safety, and welfare by providing the initial administrative rules regulating historical horse racing in fulfillment of the Legislature's mandate to the Racing Commission "to encourage forceful and honest statewide control of horse racing for the public health, safety, and welfare by safeguarding the people of this state against corrupt, incompetent, dishonest and unprincipled horse racing practices" and "[t]o institute and maintain a program to encourage and permit development of the business of horse racing with pari-mutuel wagering thereon on a higher plane." R.S. 4:141(A) and (A)(1).

All in fulfillment of the Legislature's mandate for the Racing Commission to "institute and maintain a regulatory program for the business of racing horses, which program assures the protection of public health, safety and welfare, vesting with the commission forceful statewide control of horse racing with full powers to prescribe rules and regulations and conditions under which all horse racing is conducted with wagering upon the result thereof with the state." R.S. 4:141(A)(3).

The Rule implements the initial administrative rules for conducting, application, licensing, enforcement, and regulation for wagering on historical horse racing in accordance with the provisions established in Act 437 of the 2021 Regular Session of the Louisiana Legislature, which established historical horse racing in the state of Louisiana. This Rule is hereby adopted on the day of promulgation.

Title 35

HORSE RACING

Part XVII. Historical Horse Racing

Chapter 131. Wagering on Historical Horse Racing

§13101. Pari-Mutuel System of Wagering Required for Historical Horse Racing

A. The only wagering permitted for historical horse racing shall be under the pari-mutuel system of wagering. All systems of wagering other than pari-mutuel shall be prohibited for historical horse racing. Any person participating or attempting to participate in prohibited wagering shall be ejected and excluded from association grounds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1810 (July 2022).

§13103. Definitions

A. The following words and terms shall have the following meanings when used in this chapter, unless the context clearly indicates otherwise.

Applicant—a duly licensed association who has submitted an application to obtain a license to offer pari-mutuel wagering on historical horse racing from the commission.

Commission—the Louisiana State Racing Commission.

Historical Horse Race—a form of horse racing that creates pari-mutuel pools from wagers placed on previously conducted horse races and is hosted at an authorized facility, including:

- a. any horse race whether running or harness, that was previously conducted at a licensed pari-mutuel facility;
- b. concluded with official results; and
- c. concluded without scratches, disqualifications, or dead-heat finishes.

Historical Horse Racing—an electronic wagering system used to create and sell pari-mutuel pools from wagers placed on historic horse races, or that otherwise offer pari-mutuel wagers on such races.

Independent Testing Laboratory—a laboratory with a national reputation for honesty, independence, and timeliness that is demonstrably competent and qualified to scientifically test and evaluate devices for compliance with this chapter and to otherwise perform the functions assigned to it by this chapter. An independent testing laboratory shall not be owned or controlled by a licensee, the state, or any manufacturer, supplier, or operator of historical horse racing terminals.

Integrity Auditor—a company that conducts periodic and regular tests on the validity of pari-mutuel wagering, deductions, and payouts for the applicable historical horse racing event, including the legitimacy of the event itself, and tests that the order of finish of the race selected in the wager is valid, match to the order of finish that occurred empirically, and that all runners that were listed as entered into the race for the purposes of the wager, legitimately ran in the race.

Key Person License—a license issued to a key person of an operator licensed by the commission.

Key Person—any of the following entities:

a. an officer, director, trustee, partner, or proprietor of a duly licensed association and/or person that has applied for or holds an operator, management company, or wagering vendor license or an affiliate or holding company that has control of a person that has applied for or holds any such license;

b. a person that holds a combined direct, indirect, or attributed debt or equity interest of more than 5 percent in a person that has applied for or holds an operator, management company, or wagering vendor license;

c. a person that holds a combined direct, indirect, or attributed equity interest of more than 5 percent in a person that has a controlling interest in a person that has applied for or holds an operator, management company, or wagering vendor license.

d. a managerial employee of a person that has applied for or holds an operator, management company, or wagering vendor license in this state, or a managerial employee of an affiliate or holding company that has control of a person that has applied for or holds an operator, management company, or wagering vendor license in this state, who performs the function of principal executive officer, principal operating officer, principal accounting officer, or an equivalent officer;

e. a managerial employee of a person that has applied for or holds an operator, management company, or wagering vendor license, or a managerial employee of an affiliate or holding company that has control of a person that has applied for or holds an operator, management company, or wagering vendor license, who will perform or performs the function of historical horse racing operations manager, or will exercise or exercises management, supervisory, or policy-making authority over the proposed or existing historical horse racing wagering operation, or supplier business operations in this state and who is not otherwise subject to occupational licensing in this state;

f. any individual or business entity so designated by the commission or executive director; and

g. an institutional investor is not a key person unless the institution has a controlling interest or fails to meet the standards for waiver of eligibility and suitability requirements for qualification and licensure under the *Rules of Racing*.

Licensee—any entity holding an owner's or operator's license under R.S. 4:149, and/or offtrack wagering facility, pursuant to R.S. 4:213 who is granted a license by the commission under this chapter to conduct pari-mutuel wagering on historical horse racing.

Logic Area—a separately locked cabinet area with its own monitored, locked door or other monitored, locked covering that houses electronic components that have the potential to significantly influence the operation of the terminal.

Management Company—an organization retained by an association to manage the conducting of historical horse racing and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

Operator—a person or entity licensed pursuant to R.S. 4:141 et seq. to operate historical horse racing terminals in a location approved by the commission.

Takeout—the amount a historical horse racing licensee is authorized to withhold from a pari-mutuel wager. Takeout is also known as a commission.

Terminal—any self-service totalizator machine or other mechanical or electronic equipment used by a patron to place a pari-mutuel wager on a historical horse race, including hardware, software, communications equipment, and electronic devices that accepts and processes the cashing of wagers, calculates the odds or payouts of the wagers, and records, displays, and stores pari-mutuel wagering information.

Wagering Facility—the area approved by the commission where historical horseracing is allowed to be operated.

Wagering Vendor—a person who is licensed by the commission to manufacture, fabricate, assemble, produce, program, refurbish, or make modifications to any critical component of a historical horse racing system, or associated program storage device for sale, lease, distribution, use or play by an operator in the state of Louisiana, or any supplier of goods or services the commission deems critical to the operation or integrity of a historical horse racing system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1810 (July 2022).

§13105. General Provisions

A. The commission may waive or grant a variance from the provisions of these regulations, if the commission determines that the waiver or variance is in the best interests of the public, is impractical, or overly burdensome. Any waiver or variance granted pursuant to this section constitutes an order of the commission pertaining to historical horse racing, violation of which subjects a licensee to discipline.

B. In granting any variance authorized by this section, the commission may impose certain conditions and restrictions with which the licensee must comply to accept and use the variance. Failure to meet the conditions or restrictions contained in the variance will immediately render the variance void, and the licensee may be subject to discipline in the same manner as if the variance had never been issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1811 (July 2022).

§13107. Records Retention

A. All operator, management company, or wagering vendor licensees shall maintain, in a place secure from theft, loss, or destruction, adequate records of its business and accounting operations. The licensees shall make the records available to the commission or its agents, upon request, within a reasonable time prescribed by a subpoena duces tecum or by written request of the commission or its agents. The licensees shall hold the records for not less than two years. The records shall include, but not be limited to, all of the following:

1. all correspondence with, or reports to, the commission or any local, state, or federal governmental

agency regarding the operation of an historical horse racing facility;

2. all correspondence concerning the acquisition, construction, maintenance, or business of a proposed or existing historical horse racing or support facility;

3. a personnel file on each employee;

4. notwithstanding Subsection A of this Section, a licensed operator shall hold copies of all promotional and advertising material, records, or complimentary distributions for at least one year, unless otherwise requested by the commission;

5. an operator licensee shall keep and maintain accurate, complete, legible, and permanent records of any books, records, or documents pertaining to, prepared in, or generated by, the historical horse racing wagering operation, as described in its internal controls, as approved by the commission; and

6. an operator shall organize, and index all required records in a manner that enables the commission to locate, inspect, review, and analyze the records with reasonable ease and efficiency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1811 (July 2022).

§13109. Duties of the Commission

A. The commission shall enact such policies and procedures to implement the following responsibilities:

1. license and regulate operators for the operation of historical horse racing wagering systems authorized pursuant to R.S. 4:141 et seq., including adopting, promulgating, and enforcing rules and regulations governing historical horse racing wagering consistent with R.S. 4:141 et seq.;

2. regulate the operation of historical horse racing wagering in order to prevent and eliminate corrupt practices and fraudulent behavior, and thereby promote integrity, security, and honest administration in, and accurate accounting of, the operation of historical horse racing wagering operations which are subject to R.S. 4:141 et seq.;

3. establish criteria to license applicants for operator licenses and all other types of licenses for other positions and functions incident to the operation of historical horse racing wagering, including adopting, promulgating, and enforcing rules, regulations, and eligibility standards, or waiving such criteria in limited circumstances as provided for in the *Rules of Racing*, for such operator licenses, management company licenses, vendor licenses, key person licenses and other occupational licenses, positions, and functions incident to the operation of historical horse racing wagering;

4. charge fees for applications for licenses, to include the cost of conducting background investigations, and for the issuance of operator licenses, management company licenses, vendor licenses, key person licenses and other occupational licenses and all other types of licenses to successful applicants which will be payable to the commission;

5. charge fees to operators in an amount necessary to compensate the commission for the cost of oversight and regulatory services to be provided, which will be payable to the commission;

6. grant, deny, revoke, and suspend operator licenses and all other types of licenses based upon reasonable criteria and procedures established by the commission to facilitate the integrity, productivity, and lawful conduct of historical horse racing within the State of Louisiana;

7. to investigate the suitability of applicants for operator licenses and all other types of licenses;

8. to determine the priority and eligibility of any applicant for a license and to select among competing applicants for a license, the applicant who or which best serves the interests of the residents of Louisiana;

9. to administer oaths and affirmations to the witnesses, when, in the opinion of the commission, it is necessary to enforce the provisions of R.S. 4:141 et seq. or the *Rules of Racing*;

10. to adopt technical standards governing the design, operation and control of historical horse racing equipment;

11. inspect the operation of any operator conducting historical horse racing wagering for the purpose of certifying the revenue thereof and receiving complaints from the public;

12. to approve the hours of operation for each historical horse racing facility. Change to such hours of operation may be made by the operator for extenuating circumstances with notice to the commission stating the reasons for the change;

13. to audit or cause audit of historical horse racing wagering operations, including those that have ceased operation;

14. issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, papers, videos, pictures, electronic media, or other things at or prior to any hearing as is necessary to enable the commission to effectively discharge its duties;

15. executive director oaths or affirmations as necessary to carry out R.S. 4:141 et seq.;

16. have the authority to impose, subject to judicial review, administrative fines not to exceed \$25,000 for each violation of R.S. 4:141 et seq. or any *Rules of Racing* adopted and promulgated pursuant to R.S. 4:141 et seq.

17. to receive and investigate complaints from patrons concerning the conduct of historical horse racing;

18. to inspect, test and approve historical horse racing systems and related equipment proposed for use or placed in use in historical horse racing facilities;

19. to approve locations for the storage and servicing of historical horse racing systems and related equipment;

20. to require that a historical horse racing facility make devices and equipment available for examination and inspection;

21. establish procedures for the governance of the commission;

22. acquire necessary offices, and to employ the services of persons the commission considers necessary for the purposes of consultation or investigation, and fix the salaries of, or contract for the services of, legal, accounting, technical, operational, and other personnel and consultants;

23. to secure, by agreement, information and services as the commission considers necessary from any other unit of government;

24. maintain the excluded persons database in accordance with the provisions of the *Rules of Racing*;

25. establish and enforce minimum internal controls for the operation of historical horse racing wagering and by which each operator will develop their own internal controls;

26. establish procedures for an applicant for a staff position to disclose conflicts of interest as part of the application for employment;

27. to determine any facts or any conditions, practices, or other matters as the commission considers necessary or proper to aid in the enforcement of R.S. 4:141 et seq.; and

28. do all things necessary and proper to carry out its powers and duties under R.S. 4:141 et seq., including the adoption and promulgation of rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1812 (July 2022).

§13111. Wagering on Historical Horse Races Authorized

A. Wagering on historical horse races is hereby authorized and may be conducted in accordance with R.S. 4:149 and 4:213.

B. Wagering on historical horse races shall only be conducted by associations licensed to operate a pari-mutuel facility, pursuant to R.S. 4:149, and/or by offtrack wagering facilities, pursuant to R.S. 4:213.

C. The commission may create classifications of licenses and establish a fee structure for license categories. Applicants for each category of license must apply on forms approved by the commission to be accompanied by the corresponding license application fee. All application fees are non-refundable.

1. The following license fees have been approved by the commission:

- a. applicant association (initial)—\$125,000;
- b. license fee per establishment/OTB (initial)—\$7,000;
- c. wagering vendor license (initial)—\$2,000;
- d. wagering vendor license (annual renewal)—\$500;
- e. background investigation—up to \$4,000;
- f. non-key person license (initial)—\$200; and
- g. key person license (initial)—\$1,000.

D. An application for a license under R.S. 4:141 et seq. and this Chapter is a request by the applicant seeking a revocable privilege. A license may be granted by the commission if the applicant meets the licensing requirements of the act and these rules. The commission may require holders of a current pari-mutuel wagering facility license to complete an updated application form and undergo additional background screening prior to being authorized to conduct historical horse racing. The commission may issue new licenses to such existing license holders to include the conditions and licensing requirements contained in this Chapter.

E. An applicant for a license under R.S. 4:141 et seq. and this Chapter shall, at all times, have the burden of demonstrating to the commission, by clear and convincing evidence, that the applicant is eligible, qualified, and suitable to be granted and retain the license for which application is made under the applicable licensing standards and requirements of R.S. 4:141 et seq. and the *Rules of Racing*.

F. A license issued by the commission under R.S. 4:141 et seq. or this Chapter is a revocable privilege granted by the commission. A person who holds a license does not acquire, and shall not be deemed to acquire, a vested property right or other right, in the license.

G. Applicants for any license issued by the commission under the provisions of this Chapter must pay all fees and assessments prescribed either by law or the *Rules of Racing* in the manner and at the time prescribed by law and/or the *Rules of Racing*. Application fees and applicable assessments for all historical horse racing wagering licenses and must be paid by the applicant at the time that an application is filed with the commission. None of the licenses listed in this Chapter may be transferred or assigned.

H. The commission may refuse to take final action on any application if all license regulation, investigation, and fingerprint fees have not been paid in full. The commission may deny the application if the applicant refuses or fails to pay all such fees. Additionally, an applicant who has refused or failed to pay the required costs will not be eligible to file any other application with the commission until all such fees are paid in full. Neither the license fee or regulation fees nor any other fee is refundable.

I. Materials, or portions of materials, submitted under R.S. 4:141 et seq. or these rules may be identified as confidential by a licensee, an applicant for a license, or any other person. If the materials are exempt from disclosure by statute, the materials shall not be disclosed by the commission, except to other jurisdictions or law enforcement agencies as provided in R.S. 4:141 et seq.

J. An applicant or licensee shall accept any risk of adverse publicity, public notice, notoriety, embarrassment, criticism, financial loss, or other unfavorable or harmful consequences that may occur in connection with, or as a result of, the application and licensing process or the public disclosure of information submitted to the commission with a license application or at the commission's request under R.S. 4:141 et seq. and the *Rules of Racing*.

K. Licensees have a continuing obligation to demonstrate suitability to hold a license by complying with R.S. 4:141 et seq., the *Rules of Racing*, and all federal, state, and local laws relating to the suitability of the licensee. The commission may reopen the investigation of a licensee at any time. The licensee shall be assessed fees, if any, to cover the additional costs of the investigation.

L. An applicant or licensee may claim any privilege afforded by the Constitution or laws of the United States or of the State of Louisiana in refusing to answer questions or provide information requested by the commission. However, a claim of privilege with respect to any testimony or evidence pertaining to the eligibility, qualifications, or suitability of an applicant or licensee to be granted or hold a license under R.S. 4:141 et seq. and the *Rules of Racing* may constitute cause for denial, suspension, revocation or restriction of the license.

M. An applicant and licensee shall have a continuing duty to do all of the following:

1. promptly notify the commission in writing within 10 business days of a material change in the information submitted in the license application submitted by the

applicant or licensee or a change in circumstance, that may render the applicant or licensee ineligible, unqualified, or unsuitable to hold the license under the licensing standards and requirements of the act and these rules; and

2. provide any information requested by the commission relating to licensing or regulation, cooperate with the commission in investigations, hearings, and enforcement and disciplinary actions within the period of time requested by the commission, and comply with all conditions, restrictions, requirements, orders, and rulings of the commission in accordance with R.S. 4:141 et seq. and the *Rules of Racing*.

N. The following persons are required to hold an occupational license:

1. a person employed by an association or management company and whose duties are directly related to the conduct of historical horse racing;

2. all security personnel;

3. employees whose duties are performed off the wagering facility and whose duties include the handling of money or performing accounting and auditing functions that involve money obtained as a result of historical horse racing;

a. An occupational license level one is the highest level of occupational license. An occupational licensee may perform any activity included within the occupational licensee's level of occupational license or any lower level of occupational license.

b. An employee of an association or management company who does not hold an occupational license shall not perform any duties relating to the conduct of historical horse racing at any time.

c. A person under 18 years of age shall not hold an occupational license of any level. Applicants for occupational license level one must be at least 21 years of age.

d. An application for an occupational license shall not be processed by the commission unless the applicant has an agreement or a statement of intent hire with an association or management company licensee or applicant, documenting that the applicant will be employed upon receiving the appropriate occupational license.

e. Employees of an authorized gaming operator who perform the following functions, regardless of title, shall obtain an occupational license level one:

- i. audit director;
- ii. chief regulatory compliance officer;
- iii. information technology director and managers;
- iv. security director;
- v. surveillance director;
- vi. chief financial officer or controller, or both;
- vii. historical racing operations director;
- viii. general manager;
- ix. assistant general manager; or
- x. any other employee of an authorized gaming operator whom the commission deems necessary, to ensure compliance with R.S. 4:141 et seq. and the *Rules of Racing*, to hold an occupational license level one.

f. A person holding a level one license employed by an association or management company may not be

employed concurrently by a wagering vendor, except that a person holding a level one license may be employed by a licensed management company that is also licensed as a wagering vendor.

4. employees of an association who perform the following functions, regardless of title, shall obtain an occupational license level two:

a. security personnel and surveillance personnel;

b. any employee of an association whose duties are performed are directly related to the conducting of historical horse racing;

c. any employee of an association whose duties include accounting and auditing functions and whose duties relate to money obtained as a result of historical horse racing; and

d. any other employee of an association whom the commission deems necessary, to ensure compliance with R.S. 4:141 et seq. and the *Rules of Racing*, to hold an occupational license level two;

5. the term of all occupational license levels is three years and requires an initial license application fee to be determined by the commission and an annual license fee.

O. Applicants for a historical horse racing wagering license, an occupational license, and applicants for renewals of such licenses shall comply with the following procedures:

1. Every application for a license category authorized by the commission must be submitted on forms supplied or approved by the commission and must contain such information and documents as required for such license category.

2. The applicant must file with the application all required supplemental forms.

3. Upon request of the commission, the applicant must further supplement any information provided in the application. The applicant must provide all requested documents, records, supporting data, and other information within the time period specified in the request. If the applicant fails to provide the requested information within the required time period as set forth in the request or the *Rules of Racing*, the commission may deny the application unless good cause is shown.

4. All information required to be included in an application must be true and complete as of the date of commission action sought by the applicant. If there is any change in the information contained in the application, the applicant must file a written amendment within 30 days of the change of information in accordance with the *Rules of Racing*.

5. The application and any amendments must be sworn to or affirmed by the applicant. If any document is signed by an attorney for the applicant, the signature must certify that the attorney has read the document and that, to the best of the attorney's knowledge, information and belief, based on diligent inquiry, the contents of the documents supplied are true.

6. The applicant must cooperate fully with the commission with respect to the background investigation of the applicant, including, upon request, making available any and all of its books and records for inspection. The

commission will examine the background, personal history, financial associations, character, record, and reputation of the applicant to the extent the commission determines.

7. The commission will automatically deny the application of any applicant that refuses to submit to a background investigation as required pursuant to R.S. 4:141 et seq. and the *Rules of Racing*.

8. Neither the state, the commission, any agency with which the commission contracts to conduct background investigations, nor the employees of any of the foregoing, may be held liable for any inaccurate information obtained through such an investigation.

P. In addition to specific conditions imposed in any license issued by the commission under these rules, any license issued by the commission for the operation of historical horse racing wagering is subject to the following conditions.

1. With respect to a historical horse racing wagering operator's license, the licensed operator will at all times make its wagering facility available for inspection by the commission or their authorized representatives with or without prior announcement. Additionally, the licensed operator understands that a commission agent is authorized to be present anywhere within the wagering facility each day any time during operation of historical horse racing wagering, and whenever else deemed appropriate by the director of enforcement.

2. The operator licensee consents to the examination of all accounts, bank accounts, and records of, or under the control of the operator licensee, or any entity in which the operator licensee has a direct or indirect controlling interest. Upon request of the commission or its authorized representative, the operator licensee must authorize all third parties in possession or control of the requested documents to allow the commission or commission agents to examine such documents.

3. The operator licensee will observe and enforce all rules, regulations, decisions, and orders issued by the commission. The operator's license is granted on the condition that the operator licensee, management, and its employees will obey all decisions and orders of the commission. Each operator licensee will have a continuing duty to report to the commission enforcement division any violation of the *Rules of Racing* or applicable laws of the State of Louisiana by the operator licensee, management, and its employees. Failure to report violations will result in disciplinary action against the operator licensee. The licensee is required to notify the commission in writing within 30 days of the violation.

Q. The commission may refuse to issue an operator licensee or deny any operator licensee application on any grounds deemed reasonable by the commission. Without limiting the foregoing, the commission may deny the application on any of the following grounds:

1. evidence of an applicant submitting an untrue or misleading statement of material fact, or willful omission of any material fact, in any application, statement, or notice filed with the commission, made in connection with any

investigation, including the background investigation, or otherwise made to the commission or its staff;

2. conviction of any felony in any jurisdiction by key persons of the applicant or by the applicant which may affect the applicant's ability to properly perform his or her duties or reflect unfavorably on the integrity of a historical horse racing wagering facility;

3. conviction of any gambling offense in any jurisdiction by key persons or by the applicant;

4. entry of any civil or administrative judgment against the applicant or its key persons that is based, in whole or in part, on conduct that allegedly constituted a felony crime in the state or other jurisdiction in which the conduct occurred that may affect the applicant's ability to properly perform his or her duties or reflect unfavorably on the integrity of a historical horse racing wagering facility, or involved a gambling violation(s);

5. association by the applicant, applicant's spouse or members of applicant's immediate household with persons or businesses of known criminal background or persons of disreputable character that may adversely affect the general credibility, security, integrity, honesty, fairness or reputation of the historical horse racing wagering industry;

6. any aspect of the applicant's or any key person's past conduct, character, or behavior that the commission determines would adversely affect the credibility, security, integrity, honesty, fairness or reputation of the proposed historical horse racing wagering activity;

7. failure of the applicant or its key persons to demonstrate adequate business ability and experience to establish, operate, and maintain the business for the type of activity for which application is made;

8. failure to demonstrate adequate financing for the operation proposed in the application;

9. failure to satisfy any requirement for application or to timely respond to any request by the commission for additional information;

10. permanent suspension, revocation, denial or other limiting action on any license related to historical horse racing wagering issued by any jurisdiction; and

11. approval of the application would otherwise be contrary to Louisiana law or public policy.

R. The commission, in the same manner and in accordance with the Louisiana Administrative Procedures Act, will provide the applicant with written notice of the denial, and the applicant shall have the opportunity to appeal the commission decision in conformity with R.S. 4:214(J).

S. The commission may issue a provisional license to any applicant who provides the required fingerprint cards, photographs, completed application, and intent to employ statement. Provisional licenses may be valid for a period established by the commission but shall not be more than 90 days and is subject to the license conditions enumerated in the commission's authorization of the provisional license.

1. The commission may extend the duration of provisional licenses in 30-day increments if the licensing process has not been completed.

T. Wagering on historical horse races shall only be permitted in the designated area on the licensed premises of

the pari-mutuel facility and/or offtrack wagering facility. Wagering on historical horse races shall not be offered in any other location.

U. An applicant for a license to offer pari-mutuel wagering on historical horse racing shall apply for a license to conduct the same with the commission at its offices. An application fee, set by the commission-approved license fee schedule, shall be paid for each location where the applicant seeks to offer pari-mutuel wagering on historical horse racing to reimburse the commission for the cost of regulation. The initial application fee shall be paid upon filing of the application.

1. Licensees authorized to offer pari-mutuel wagering on historical horse racing shall pay an annual license fee set by the commission-approved license fee schedule, to be paid monthly, to reimburse the commission for the cost of regulation.

2. The annual total for initial application fees or annual licenses fees shall not exceed the commission's budgeted costs for the regulation of historical horse racing in any calendar year.

V. An applicant for a license to offer pari-mutuel wagering on historical horse racing shall submit a plan of operation that includes:

1. the number of terminals to be operated at the facility, broken down by terminal provider, make, and model;

2. a detailed description of the proposed area designated for the sale of pari-mutuel pool, and the placement of terminals within the area, including a drawn-to-scale architectural rendering that describes:

- a. the size, construction, and capacity of the area;
- b. the number and location of each terminal; and
- c. the location of surveillance and other security equipment.

3. a description of the type of data processing, communication, totalizator and transmission equipment to be utilized;

4. a networking diagram detailing the manner in which the machines will be networked with the wagering servers and back office systems;

5. an IT security plan detailing the logical security measures for the wagering system;

6. the type, number and denominations of pari-mutuel wagers to be offered;

7. the terminal provider, make, and model of each terminal, including a copy of all literature supplied by the manufacturer of the terminal;

8. the maintenance and repair procedures that will ensure the integrity of the terminals;

9. detailed information on the wager types, including breakage, to be offered by the applicant, including information demonstrating compliance with the requirements of this chapter;

10. wager specification documentation, which shall include the rules for the mathematical models, methodology of calculating payouts of the pools, configuration of pools, how money is allocated to or from the pools (including seed pool(s) as applicable), and pool payout methodology. As used herein, a seed pool refers to a pool of money that is used to ensure that all patrons are paid the minimum payout on winning wagers.

W. Before offering wagering on historical horse races, an association shall first obtain the commission's written approval of all wagers offered as set forth in LAC 35:XIII.10703, LAC 35:XIII.10901, LAC 35:XIII.11105, LAC 35:XIII.11201, LAC 35:XIII.11507, LAC 35:XIII.11607, LAC 35:XIII.11701, and LAC 35:XIII.11801 or other accepted pari-mutuel wager type as approved by the commission.

X. A license for conducting pari-mutuel wagering on historical horse racing shall run concurrent with the association's license to conduct horse racing and/or operate offtrack wagering facilities. A licensee may not transfer its license, or assign responsibility for compliance with the conditions of its license, to any party, including, without limitation, a transfer of effective control of the licensee, without commission approval.

Y. Failure to comply with requirements in R.S. 4:149, and/or offtrack wagering facility requirements pursuant to R.S. 4:213 and the *Rules of Racing* may result in suspension or revocation of the license for conducting pari-mutuel wagering at the discretion of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1813 (July 2022).

§13113. Operational Requirements for the Conduct of Historical Horse Racing

A. An association may conduct wagering on historical horse races of any horse breed regardless of the type of breed that primarily races in live meets conducted by the association. An association may conduct wagering on historical horse races on any days and hours approved by the commission, and shall not be limited to times during which the association is conducting a live horse race meeting.

B. A mutuel wager on historical horse races may be placed only from a physical facility of a licensee.

C. A mutuel wager on historical horse racing may not be placed using a mobile device unless the system communicating with the mobile device to place the wager is fully controlled and operated by the licensed facility at which the wager is placed. For the purposes of this Section, "fully controlled and operated" means the licensed facility develops, owns, leases, acquires a license for, or otherwise contracts for services to operate and control a mobile historical horse racing wagering system.

D. No licensee may accept a mutuel wager on historical horse racing if the wager is placed via a mobile phone or other personal electronic device, unless the network infrastructure and all pari-mutuel wagering software complies with the relevant technical requirements within these rules.

E. Nothing in this Section independently authorizes wagering or facilitation of wagering on historical horse racing outside of the licensed pari-mutuel wagering operation.

F. Any historical horse racing solution that relies on wireless networked communications, including all mobile historical horse racing systems, shall annually conduct a system integrity and security risk assessment performed by an independent information technology security professional approved by the commission. The system integrity and

security risk assessment shall be conducted no later than 90 days after commencing operations and annually thereafter. The scope of the pari-mutuel wagering system integrity and security assessment is subject to the approval of the commission and must include:

1. A vulnerability assessment of digital platforms, mobile applications, internal, external, and wireless networks with the intent of identifying vulnerabilities of all devices, the historical horse racing system, and applications transferring, storing, and/or processing personal identifying information or other sensitive information connected to or present on the networks;

2. A penetration test of all digital platforms, mobile applications, and internal, external, and wireless networks to confirm devices, the historical horse racing wagering systems, and applications are not susceptible to compromise;

3. A review of the firewall rules to verify the operating condition of the firewall and the effectiveness of its security configuration and rule sets that must be performed on all perimeter and internal firewalls;

4. A technical security control assessment against the commission's technical requirements for security and with generally accepted professional standards;

5. An evaluation of information security services, cloud services, payment services, financial institutions, payment processors, location services, and any other services that may be offered directly by the licensee or involve the use of third parties; and

6. At the discretion of the executive director, any additional assessments or specific testing criteria which may be required by internal control procedures.

G. All wagers offered on historical horse races shall incorporate the following elements:

1. A patron may only wager on historical horse races on a terminal approved by the commission;

2. For each different type of exotic wager on historical horse races offered by an association, the association shall at all times maintain at least two terminals offering each such exotic wager;

3. Once a patron deposits an amount in the terminal offering wagering on historical horse races, one or more historical horse races shall be made available for wagering as set forth in the wagering specification rules;

4. Prior to the patron making his or her wager selections, the terminal shall not display any information that would allow the patron to identify the historical horse race or races on which he or she is wagering, including the location of the race or races, the date on which the race or races was run, the names of the horses in the race or races, or the names of the jockeys that rode the horses in the race or races;

5. The terminal shall make available true and accurate past performance information on the historical horse race to the patron prior to making his or her wager selections. The information shall be current as of the day the historical horse race was actually run. The information provided to the patron shall be displayed on the terminal in data or graphical form; and

6. After a patron finalizes his or her wager selections, the terminal shall display the patron's successful selections, the official results of each race, and a replay of the race or races, or a portion thereof, whether by digital or animated

depiction or by way of a video recording. The identity of each race shall be revealed or made available to the patron after the patron has placed his or her wager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1816 (July 2022).

§13115. Historical Horse Race Specification and Selection Requirements

A. The outcome of any historical horse race wager shall be derived from the result of one or more historical horse races.

B. All historical horse races must be chosen at random from a database of actual historical horse races. All races in the database shall have a valid historical horse race result with details recorded at the same level as other races in the database, and shall include:

1. race location;
2. race date; and
3. finishing order.

C. If available and provided for in the recorded race data, other information such as horse name and jockey name or associated identifiers may be included in the race database.

D. In the case where a random process is used to select the historical horse races for a wager, all possible races in the database shall be available for selection.

E. Each terminal shall:

1. be tested by an independent testing laboratory, selected by the commission, and found to be in compliance with all applicable technical standards. Any modifications made to the terminal or software shall require re-testing;

2. provide race information that is current as of the day the horse race was actually run;

3. allow any patron that is handicapping to exit the manual handicapping interface;

4. display the information provided to the patron in graphic form which is discernable to the bettor;

5. not be in the nature of a slot machine. A terminal shall not be considered to be in the nature of a slot machine when it precludes the use of random elements to determine the outcome of a wager other than the selection of a race or races from a database of races, when all wagers and prizes are pari-mutuel in nature, and when it does not include any interest of the licensee.

F. Prior to the patron making his or her wager selections, the terminal shall:

1. make true and accurate past performance information available on each historical horse race; and

2. not display any information that would allow the patron to identify the historical horse race on which the patron is wagering, including:

- a. the location of the race;
- b. the date on which the race was run;
- c. the names of the horses in the race; or
- d. the names of the jockeys who rode the horses in the race.

G. In addition to the requirement of Paragraph 2 of Subsection F of this Section, the terminal may also display the wager and its outcome as part of an entertaining display, provided the underlying wager and outcome functions according to the pari-mutuel wagering pool specifications

provided by the historical horse racing licensee to the commission.

H. Approximate odds or payouts for each wagering pool shall be posted, or made available, on each terminal for viewing by patrons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1817 (July 2022).

§13117. Payouts through Pari-Mutuel Pools Authorized

A. A wager on a historical horse race or races, less deductions permitted by R.S. 4:216(E), shall be placed in pari-mutuel pools approved by the commission.

B. A payout to a winning patron shall be paid from money wagered by patrons and shall not constitute a wager against the association.

C. An association conducting wagering on historical horse races shall not conduct wagering in such a manner that patrons are wagering against the association, or in such a manner that the amount retained by the association as a commission is dependent upon the outcome of any particular race or the success of any particular wager.

D. An association offering wagering on historical horse races shall operate a pari-mutuel pool or pools in a manner and method approved by the commission. An association offering wagering on historical horse races may operate a player-funded pool or pools in a manner and method approved by the commission for the purpose of ensuring that sufficient funds are at all times available to pay any winning wagers in situations where a pari-mutuel pool becomes a minus pool. For each wager made, an association may assign a percentage of the wager to a player-funded pool or pools.

E. If an association chooses to make a deposit into a trust account or seed pool for the purpose of ensuring that sufficient funds are at all times available to pay any winning wagers in situations where a pari-mutuel pool becomes a minus pool, then such trust account must be approved by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1818 (July 2022).

§13119. Minors Prohibited from Wagering on Historical Horse Races

A. A minor shall not be permitted by any licensed association to purchase or cash a pari-mutuel ticket on historical horse races.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1818 (July 2022).

§13121. Responsible Play

A. A licensee shall implement a program to promote responsible play of historical horse racing by its patrons and provide details of the same to the commission. At a minimum, such program shall require:

1. posting in a conspicuous place in every facility where pari-mutuel wagering on historical horse racing is conducted a sign that bears a toll-free number for an approved organization that provides assistance to problem gamblers;

2. providing informational leaflets or other similar materials at the licensee's facilities on the dangers associated with problem gambling;

3. including in the licensee's promotional and marketing materials information on problem gambling and organizations that provide assistance to problem gamblers;

4. providing patrons expressing concern with a gambling problem with information on organizations that provide assistance to problem gamblers; and

5. ensuring that any request by a patron who wishes to self-exclude from the licensee's facilities is honored by the licensee.

B. A licensee shall report annually to the commission and make a copy available to the public on its efforts to meet Subsection A of this Section, its efforts to identify problem gamblers, and steps taken to:

1. prevent such individuals from continuing to engage in pari-mutuel wagering on historical horse racing; and

2. provide assistance to these individuals to address problem gambling activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1818 (July 2022).

§13123. Totalizator or Other Approved Equipment Required

A. Pari-mutuel wagering on historical horse races shall only be conducted through the use of a totalizator or other similar mechanical or electrical equipment.

B. The totalizator or other mechanical or electrical equipment shall be available for testing under the supervision of the commission upon request by the commission to ensure its proper working order.

C. Wagering on historical horse races shall be offered on terminals that include a cabinet in which the electronics and other operating components are located. All terminals and other equipment shall be subject to inspection by the commission.

D. The terminal cabinet and electronics shall:

1. protect against electrostatic interference by being grounded so that static discharge energy shall not permanently damage or inhibit the normal operation of the electronics or other components within the wagering terminal. In the event that a temporary disruption of the normal operation of a wagering terminal occurs as a result of an electrostatic discharge, the wagering terminal shall have the capacity to recover and complete any interrupted wager without loss or corruption of any control or critical data information. Each terminal shall be tested to a maximum discharge severity level of 27 kilovolt air discharge;

2. not be adversely affected, other than during resets, by surges or dips of up to 20 percent of the supply voltage. If a wagering terminal is designed such that a surge or dip of up to 20 percent of the supply voltage causes a reset, the terminal shall also be designed so that a surge or dip shall not result in damage to the equipment or loss or corruption of data. Upon reset, the wager play shall return to its previous state or return to a wager completion state, provided the wagering history and all credit and accounting meters comprehend a completed wager play;

3. have an on/off switch that controls the electrical current installed in a readily accessible location within the

interior of the terminal so that power cannot be disconnected from outside of the terminal using the on/off switch. The on/off positions of the switch shall be labeled;

4. be designed so that power and data cables into and out of the terminal can be routed so that they are not accessible to the general public. Security-related wires and cables that are routed into a logic area shall be securely fastened within the interior of the terminal;

5. have an identification badge affixed to the exterior of the terminal by the terminal provider that is not removable without leaving evidence of tampering. This badge shall include the following information:

- a. the name of the terminal provider;
- b. a unique serial number;
- c. the terminal model number; and
- d. the date of manufacture;

6. have an external tower light located conspicuously on the top of the terminal that automatically illuminates when a patron has won an amount that the terminal cannot automatically pay or when an error condition has occurred;

7. be constructed of materials that are designed to allow only authorized access to the inside of the terminal. The terminal and its locks, doors, and associated hinges shall be capable of withstanding determined and unauthorized efforts to gain access to the inside of the terminal and shall be designed to leave evidence of tampering if such an entry is made;

8. be equipped with doors of a locked area that are designed to resist the use of tools or other objects used to breach the locked area by physical force;

9. have external doors that shall be locked and monitored by door access sensors. When the external doors are opened, the door access sensors shall:

- a. cause wagering activity to cease;
- b. disable all currency acceptance;
- c. enter an error condition;
- d. illuminate the tower light at a minimum; and
- e. record the error condition. The requirements of this Subsection do not apply to the drop box door;

10. have external doors designed so that it shall not be possible to insert a device into the terminal that will disable a sensor that indicates "door open" without leaving evidence of tampering when the door of the terminal is shut;

11. have a sensor system that shall provide notification that an external door is open when the door is moved from its fully closed and locked position, provided power is supplied to the device;

12. have a logic area, which is a separately locked cabinet area with its own monitored, locked door or other monitored, locked covering that houses electronic components that have the potential to significantly influence the operation of the terminal. There may be more than one such logic area in a terminal. The electronic components housed in the logic area shall include:

a. a central processing unit and any program storage device that contains software that may affect the integrity of wagering, including the individual play accounting, system communication, and peripheral firmware devices involved in or that significantly influence the operation and calculation of wager plays, wager outcome display, wager result determination, or wager play accounting, revenue, or security;

b. communication controller electronics and components housing the communication program storage device; and

c. the nonvolatile memory backup device, which if located in the logic area, shall be kept within a locked logic area; and

13. have a currency storage area that is separately keyed and fitted with sensors that indicate "door open/close" or "stacker receptacle removed," provided power is supplied to the device. Access to the currency storage area shall be secured by two locks before the currency can be removed. The locks shall be located on the relevant outer door and on at least one other door.

E. Critical memory requirements shall include the following:

1. Critical memory storage shall be maintained by a methodology that enables errors to be identified, including signatures, checksums, partial checksums, multiple copies, timestamps, effective use of validity codes, or any combination of these methods.

2. Comprehensive checks of critical memory shall be made following wager play initiation but prior to display of wager outcome to the patron.

3. An unrecoverable corruption of critical memory shall result in an error state. The memory error shall not be cleared automatically and shall cause the terminal to cease further functioning. The critical memory error shall also cause any communication external to the terminal to immediately cease. An unrecoverable critical memory error shall require restoration or clearing of software state by an authorized person.

4. If critical memory is maintained in nonvolatile memory on the terminal and not by the server-based system, then:

a. the terminal shall have the ability to retain data for all critical memory as defined in this Section and be capable of maintaining the accuracy of the data for 30 days after power is discontinued from the terminal;

b. for rechargeable battery types only, if the battery backup is used as an off-chip battery source, it shall recharge itself to its full potential in a maximum of 24 hours, and the shelf life of the battery shall be at least five years;

c. nonvolatile memory that uses an off-chip backup power source to retain its contents when the main power is switched off shall have a detection system that will provide a method for software to interpret and act upon a low battery condition before the battery reaches a level where it is no longer capable of maintaining the memory in question. Clearing nonvolatile memory shall require access to the locked logic area or other secure method, provided that the method is approved by the commission; and

d. following the initiation of a nonvolatile memory reset procedure, the wagering program shall execute a routine that initializes all bits in critical nonvolatile memory to the default state. All memory locations intended to be cleared as per the nonvolatile memory clear process shall be fully reset in all cases.

5. Critical memory of a server-based wager configuration may be maintained by the server, terminal, or some combination thereof. The critical memory related to each terminal shall:

a. be kept independent to all other wagering terminals. If corruption occurs in any single terminal's critical memory no other terminal shall be effected by the terminal's corrupt memory state; and

b. be clearly identified as to which physical terminal the critical memory represents, through unique identification, such as serial number or other unique terminal hardware identifier.

6. All terminals shall be equipped with a device, mechanism, or method for retaining the value of the meter information specified in §13135 in the event of a loss of power to the terminal. Storage and retrieval of the accounting meters from a server is an acceptable method of retrieval.

7. Configuration setting changes shall not cause an obstruction to the meters.

8. If the terminal is in a test, diagnostic, or demonstration mode, any test that incorporates credits entering or leaving the terminal shall be completed prior to resumption of normal operation. In addition, there shall not be any mode other than normal wagering operation that debits or credits any of the electronic meters. Any wagering credits on the terminal that were accrued during the test, diagnostic, or demonstration mode shall be cleared before the mode is exited. Specific meters are permissible for these types of modes, provided the meters are clearly identified.

9. Terminals shall not allow any information contained in a communication to or from the online monitoring system that is intended to be protected, including validation information, secure personal identification numbers, credentials, or secure seeds and keys, to be viewable through any display mechanism supported by the terminal.

F. Program storage devices shall be required to comply with the following.

1. All program storage devices shall:

a. be housed within a fully enclosed and locked logic compartment;

b. validate themselves during each processor reset; and

c. validate themselves the first time they are used.

2. Program storage devices that do not have the ability to be modified while installed in the terminal during normal operation shall be clearly marked with information to identify the software and revision level of the information stored in the devices.

3. Server-stored information shall be backed up no less often than once per day to an offsite storage facility. Offsite storage may include storage through a cloud service provider if approved by the commission. The server and offsite backup storage shall be accessible to the commission and subject to third-party checks and validation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1818 (July 2022).

§13125. Terminal Operational/Software Requirements

A. Terminals shall have the ability to allow for an independent integrity check of all software that may affect the integrity of the wagering configurations available to the

terminal. The integrity check shall be by an independent testing laboratory approved by the commission.

B. If a winning amount is in excess of the thresholds established in the Internal Revenue Service reporting requirements, the terminal shall cease operation and require attendant interaction to proceed.

C. Terminals shall be capable of detecting and displaying the following errors:

1. open door conditions;

2. nonvolatile memory errors;

3. low nonvolatile memory battery for batteries external to the nonvolatile memory itself for low power source;

4. program error or authentication mismatch;

5. display device errors;

6. the identification of an invalid bill or voucher; and

7. loss of communication to the tote system.

D. To protect the integrity of the wagering configuration, when a terminal error condition is detected, the terminal shall secure itself by:

1. ceasing play and requiring operator intervention prior to returning to normal play;

2. displaying an appropriate error message;

3. disabling bill and voucher acceptance;

4. sounding an alarm, illuminating the tower light, displaying the error on screen, or any combination of the three;

5. communicating the error condition to an online monitoring and control system; and

6. if the terminal is powered down with an unresolved error condition, remaining in error mode unless power down is used as a part of the error reset procedure.

E. Upon resolution of an error condition, a terminal may return to a wager completion state, provided the wagering history, wagering credits, and other meters display the completed wager properly.

F. Terminals shall not be adversely affected by the simultaneous or sequential activation of various terminal inputs and outputs.

G. Test, diagnostic, or demonstration modes on a terminal shall:

1. be entered only from an attendant following appropriate instructions;

2. not be accessible to a patron;

3. be indicated on the terminal via an appropriate message; and

4. upon exiting from test, diagnostic, or demonstration mode, a terminal shall return to its previous state.

H. Available wagering credit may be collected from the terminal by the patron at any time other than during:

1. a bet being wagered;

2. audit mode;

3. test mode;

4. a credit meter or win meter increment; or

5. an error condition

I. Terminals shall be capable of displaying wager recall, which shall:

1. include the last 10 wagers on the terminal, including at least 50 intermediary steps within those wagers, including free spins and bonuses;

2. be retrievable on the terminal via an external key-switch or other secure method not available to the patron; and

3. provide all information required to fully reconstruct the wagers, including:

- a. initial credits or ending credits associated with the wager;
- b. credits wagered;
- c. credits won;
- d. entertaining display symbol combinations and credits paid whether the outcome resulted in a win or a loss;
- e. representation in a graphical or text format;
- f. final wager outcome, including all patron choices and all bonus features; and
- g. as an optional feature, display of values as currency in place of wagering credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1820 (July 2022).

§13127. Requirements for Tickets or Vouchers used in Historical Horse Racing

A. Terminals shall not dispense currency. Payment to patrons shall only be accomplished by means of a printed voucher.

B. All vouchers shall contain the following printed information at a minimum:

1. licensee name and site identifier, which may be contained on the ticket stock itself;
2. terminal number or cashier booth location;
3. date and time stated according to the local time zone;
4. alpha and numeric dollar amount;
5. ticket or voucher sequence number;
6. validation number;
7. bar code or any machine-readable code representing the validation number;
8. type of transaction or other method of differentiating voucher types. If the voucher is a noncashable item, the ticket shall explicitly express that it has "no cash value"; and

9. the expiration period from date of issue, or date and time the ticket or voucher will expire according to the local time zone. This information may be contained on the ticket stock itself. Payment on valid pari-mutuel tickets, including tickets where refunds are ordered, shall be made only upon presentation and surrender of valid pari-mutuel tickets to the licensee within 180 days after the purchase of the ticket. Failure to present any valid pari-mutuel ticket to the licensee within 180 days after the purchase of the ticket shall constitute a waiver of the right to payment.

C. A system approved by the commission shall be used to validate the payout ticket or voucher. The ticket or voucher information on the central system shall be retained for two calendar years after a voucher is valid at that location.

D. Payment by voucher as a method of credit redemption shall only be permissible when the terminal is linked to a computerized voucher validation system that is approved by the commission.

E. The validation system must be able to identify a duplicate ticket or voucher to prevent fraud.

F. Terminals must meet the following minimum requirements to incorporate the ability to issue offline vouchers after a loss of communication has been identified by a wagering terminal.

1. The wagering terminal shall not issue more offline vouchers than it has the ability to retain and display in the wagering terminal maintained voucher-out log.

2. The wagering terminal shall not request validation numbers used in the issuance of vouchers until all outstanding offline voucher information has been fully communicated to the voucher validation system.

3. The wagering terminal shall request a new set of validation numbers used in the issuance of online or offline vouchers if the current list of validation numbers has the possibility of being compromised, which shall include:

- a. after power has been recycled; or
- b. upon exit of a main door condition.

4. Validation numbers must always be masked when viewable through any display supported by the wagering terminal such that only the last four digits of the validation number are visible.

G. Vouchers may be inserted in any terminal participating in the validation system providing that no credits are issued to the terminal prior to confirmation of voucher validity.

H. The offline voucher redemption may be validated as an internal control process. A manual handpay may be conducted for the offline voucher value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1821 (July 2022).

§13129. Terminal Peripheral Device Requirements

A. Video monitor touch screens on terminals shall:

1. be accurate to manufacturer specifications for touch point sensitivity;

2. be able to be calibrated without access to the terminal cabinet other than opening the main door, and once calibrated shall maintain accuracy for at least the video touch screen manufacturer's recommended maintenance period; and

3. have no hidden or undocumented buttons or touch points anywhere on the screen that affect wagering or that impact the outcome of the bet, except as provided by the wagering configuration rules.

B. Paper currency acceptors used in a terminal shall:

1. be electronically based;

2. detect the entry of bills or vouchers inserted into the paper currency acceptor and provide a method to enable the terminal software to interpret and act appropriately upon a valid or invalid input;

3. be configured to ensure the acceptance of only valid bills or vouchers and reject all other items;

4. return to the patron all rejected bills or vouchers, and any other item inserted into the acceptor;

5. be constructed in a manner that protects against vandalism, abuse, or fraudulent activity;

6. register the actual monetary value or appropriate number of wagering credits received for the denomination used on the patron's credit meter for each valid bill or voucher;

7. register wagering credits only when the bill or other note has passed the point where it is accepted or stacked and the acceptor has sent an "irrevocably stacked" message to the terminal;

8. be designed to prevent the use of fraudulent crediting, the insertion of foreign objects, and any other fraudulent technique;

9. implement a method of detecting counterfeit bills;

10. only accept bills or vouchers when the terminal is enabled for play;

11. have the capability of detecting and displaying any supported error conditions;

12. shall communicate with the terminal using a bi-directional protocol;

13. be located in a locked area of the terminal that requires the opening of the main door for access. The paper currency acceptor shall not be located in the logic area. Only the bill or voucher insertion area shall be accessible by the patron;

14. have a secure stacker that shall:

a. deposit into the stacker all accepted items;

b. be attached to the terminal in such a manner that it cannot be easily removed by physical force; and

c. have a separate keyed lock to access the stacker area. The keyed lock shall be separate from the main door, and a separate keyed lock shall be required to remove the bills from the stacker; and

15. have a bill validator that shall:

a. retain in its memory and have the ability to display the information required of the last 25 items accepted by the bill validator;

b. have a recall log that may be combined or maintained separately by item type. If combined, the type of item accepted shall be recorded with the respective timestamp; and

c. give proper credit or return the bill or note if power failure occurs during acceptance of a bill or note.

C. Each terminal shall be equipped with a printer that:

1. is used to make payments to the patron by issuing a printed voucher. The terminal shall transmit the following data to an online system that records the following information regarding each payout ticket or voucher printed:

a. the value of credits in local monetary units in numerical form;

b. the time of day the ticket or voucher was printed, showing hours and minutes;

c. the date, in format approved by the commission, indicating the day, month, and year that the ticket or voucher was issued;

d. the terminal number; and

e. a unique ticket or voucher validation number.

2. prints only one copy to the patron and retains information on the last 25 printed vouchers;

3. is housed in a locked area of the terminal but shall not be located within the logic area or the drop box; and

4. allows control program software to interpret and act upon all error conditions.

D. With appropriate security in place, historical horse racing wagering accounts may be funded directly from mobile devices and through various advance-deposit account funding mechanisms, whether it be through credit card, bank, or attendant or kiosk at association locations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1821 (July 2022).

§13131. Location of Terminals Used for Wagering on Historical Horse Races

A. Terminals offering wagering on historical horse races shall be located within designated areas which have the prior written approval of the commission. Designated areas shall be established in such a way as to control access by the general public and prevent entry by any patron who is under 18 years of age or is otherwise not permitted to place wagers.

B. Each association shall monitor persons entering and leaving the designated areas and shall prevent access to any patron who is under 18 years of age or is otherwise not permitted to place wagers on historical horse races.

C. Each association shall provide terminals that are accessible to handicapped patrons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1822 (July 2022).

§13133. Records to be Maintained

A. Each association shall maintain complete records of all pari-mutuel wagering transactions on historical horse races, including the amounts wagered at each historical horse racing terminal.

B. A copy of the wagering records shall be retained and safeguarded for a period of not less than 18 months and shall not be destroyed without the prior written permission of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1822 (July 2022).

§13135. Accounting and Occurrence Meter Requirements

A. The required accounting meters and related reporting as follows using the same or similar terminology:

1. coin in, which accumulates the total value of all wagers, whether the wagered amount results from the insertion of bills or vouchers or deduction from a credit meter;

2. coin out, which accumulates the total value of all amounts directly paid by the terminal as a result of winning wagers, whether the payback is made to a credit meter or any other means;

3. attendant paid jackpot, which accumulates the total value of credits paid by an attendant resulting from a single wager, in excess of thresholds established by the Internal Revenue Service reporting requirements, the amount of which results in Internal Revenue Service or applicable agency reporting;

4. attendant paid canceled credit, which accumulates the total value paid by an attendant resulting from a patron-initiated cashout or non-taxable winning wager that exceeds the physical or configured capability of the terminal to make the proper payout amount;

5. bill in, which accumulates the total value of currency accepted. Each wagering terminal shall have a specific occurrence meter for each denomination of currency accepted that records the number of bills accepted of each denomination;

6. voucher in, which accumulates the total value of all wagering terminal vouchers accepted by the device;

7. voucher out, which accumulates the total value of all wagering terminal vouchers issued by the device;

8. noncashable electronic promotion in, which accumulates the total value of noncashable credits from vouchers accepted by the terminal;

9. cashable electronic promotion in, which accumulates the total value of cashable credits from vouchers accepted by the terminal;

10. noncashable electronic promotion out, which accumulates the total value of noncashable credits issued to vouchers by the device; and

11. cashable electronic promotion out, which accumulates the total value of cashable credits issued to vouchers by the device.

B. Additional required occurrence meters are as follows:

1. cashable promotional credit wagered, which accumulates the total value of promotional cashable credits that are wagered;

2. plays wagered, which accumulates the number of wagers placed; and

3. plays won, which accumulates the number of wagers resulting in a win to the patron.

C. Electronic accounting meters shall maintain and calculate data to at least 10 digits in length.

D. Electronic accounting meters shall be maintained in credit units equal to the denomination or in dollars and cents.

E. If the electronic accounting meter is maintained in dollars and cents, eight digits must be used for the dollar amount and two digits must be used for the cents amount.

F. Devices configured for multi-denomination wagering shall display the units in dollars and cents at all times.

G. Any time the meter exceeds a value it is not capable of exceeding, the meter must roll over to zero.

H. Occurrence meters shall be at least eight digits in length but are not required to automatically roll over.

I. Meters shall be identified so that they can be clearly understood in accordance with their function.

J. Meters can be on the server instead of the terminal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1822 (July 2022).

§13137. Required Reports for Wagering on Historical Horse Races; Audit and Inspection by the Commission

A. All systems used for pari-mutuel wagering on historical horse races shall provide financial reports for individual approved wager model configurations and total pool amounts for each pool. Reports shall be available at the end of the wagering day or upon request by the commission

with information current since the end of the last wagering day. The reports shall include:

1. current values of each pari-mutuel wagering pool;
2. total amounts wagered for all pools;
3. total amounts won by patrons for all pools;
4. total commission withheld for all pools;
5. total breakage for all pools, where applicable;
6. total amount wagered at each terminal;
7. total amount won by patrons at a terminal;
8. the amount wagered on each mathematical model configuration and the amount won from each mathematical model configuration offered at a terminal;
9. total amount of each type of financial instrument inserted into a terminal;
10. total amount cashed out in voucher or handpays at a terminal; and
11. taxable win events including:
 - a. time and date of win;
 - b. wagering terminal identification number;
 - c. amount wagered resulting in taxable win; and
 - d. taxable amount won.

B. As provided in §13118, the commission or its authorized representatives may, at any time, conduct an audit or inspection of the financial reports, software, terminals, or other equipment used by a licensee in conducting operations under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1823 (July 2022).

§13139. Equipment and Laboratory Testing

A. Each association shall provide for a nationally recognized, independent testing laboratory approved by the commission to submit to the commission a general functional evaluation laboratory report regarding the hardware and software installed on each historical horse racing terminal and the software on each historical horse racing app indicating whether same is in compliance with applicable law and regulations.

B. Any alterations, modifications, or updates to the software or hardware on any historical horse racing terminal or the software on any historical horse racing app shall require the vendor to submit to the commission a new laboratory report as required under Subsection A of this Section before the wagering configuration may be used for play at an establishment.

C. If there is a complete breakdown of a terminal offering wagering on historical horse racing, the association offering the wager shall make a full refund of the patron's balance on the terminal at the time of the breakdown.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1823 (July 2022).

§13141. Minimum Wagers and Payouts

A. The minimum wager to be accepted by an association on a wager based on the outcome of a historical horse race or races shall be \$0.10. The minimum payout on any wager shall not be less than the amount wagered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1823 (July 2022).

§13143. Odds and Payouts Posted

A. For wagering on historical horse races, approximate odds or payouts for each pari-mutuel pool shall be posted or made available on each terminal for viewing by patrons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1824 (July 2022).

§13145. Betting Explanation

A. Each association shall post, in conspicuous places in the designated area, a general explanation of pari-mutuel wagering offered on historical horse races and an explanation of each pari-mutuel pool offered. The explanation shall be submitted to the commission for approval prior to its posting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1824 (July 2022).

§13147. Wagering Terminal Historical Horse Race

Display

A. All wagering terminals shall have video displays that clearly identify the entertaining theme, if any, being used to offer pari-mutuel wagering on historical horse racing. The video display shall make available the rules of the historical horse racing wager and the award that will be paid to the patron when the patron obtains a specific win.

B. All payable information, rules of play, and help screen information shall be available to a patron prior to placing a wager.

C. All wagering terminals shall have video displays that make available to the patron the rules of any features or interactive functions that may occur on the patron interface as part of the entertaining display of the wager and its outcome. The video displays shall:

1. clearly identify the entertaining theme, if any, being used to offer pari-mutuel wagering on historical horse racing;

2. make the following information available to the patron:

a. all payable information, rules of play, and help screen information;

b. the award that will be paid to the patron when the patron obtains a specific win; and

c. the rules of any features or interactive functions that may occur as part of the entertaining display of the wager and its outcome;

3. provide the race data in a reasonable manner as to not discourage patrons who wish to handicap from doing so; and

4. allows the patron to compare their picks against the true order of finish.

D. The video display shall clearly indicate whether awards are designated in credits or currency.

E. All wagering terminals shall display the following information to the patron at all times the wagering terminal is available for patron wager input:

1. the patron's current credit balance in currency or credits;

2. the current bet amount;

3. the amount won for the last completed wager until the next wager starts or betting options are modified;

4. the patron's options selected for the last completed wager until the next wager starts or a new selection is made; and

5. a disclaimer stating "Malfunction Voids All Pays" or some equivalent wording approved by the commission. This may be presented as a permanent sign on the terminal.

F. Entertaining features that simulate bonus or free plays shall meet the following requirements:

1. the initiation of a bonus or free play shall only be based on the result of the wager placed by the patron on the result of the historical horse race selected for the wager;

2. the bonus or free play shall not require additional money to be wagered by the patron;

3. the entertaining display shall make it clear to the patron that the patron is in bonus mode to avoid the possibility of the patron unknowingly leaving the wagering terminal while in a bonus mode; and

4. if the bonus or free play requires an input from the patron, the terminal shall provide a means to complete the bonus or free play from a touch screen or hard button.

G. Electronic metering displays shall:

1. at all times include all credits or cash available for the patron to wager or cash out unless the terminal is in an error or malfunction state. This information is not required when the patron is viewing a menu or help screen item;

2. reflect the value of every prize at the end of a wager and add it to the patron's credit meter, except for handpays; and

3. show the cash value collected by the patron upon a cashout unless the terminal is in an error or malfunction state. The production of a voucher containing this information shall be sufficient.

H. A wager is complete when the final transfer to the patron's credit meter takes place or when all credits wagered are lost.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1824 (July 2022).

§13149. Access by Commission and Agents of the Commission

A. Each association shall allow the commission and the agents of the commission unrestricted access to inspect the entire premises wherein historical horse racing is being conducted at any time to ensure that the *Rules of Racing* are being followed, this shall include the unrestricted access to inspect and test any mechanical, electrical, or electronic devices thereon being utilized or capable of being utilized by the association for historical horse racing.

B. Subject to the authority of the executive director, the commission may at any time enter into memoranda of understanding with other racing jurisdictions to share historical horse racing investigatory findings, documents, and materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1824 (July 2022).

§13151. Required Audits and Inspections

A. Terminals shall have the ability to allow for an independent integrity check of all software that may affect the integrity of the wagering system. The integrity check shall be performed by an independent testing laboratory approved by the commission.

B. The independent testing laboratory's software may be embedded within the wagering software, utilize an interface port to communicate with the terminal, or require the removal of terminal media for external verification.

C. Each terminal used for wagering on historical horse races shall be tested by the independent testing laboratory to ensure its integrity and proper working order. This evaluation shall include a review of installed software prior to implementation and periodically within a timeframe established by the commission.

D. The licensee shall pay the cost of the independent testing laboratory's review and testing, and the reports of the same shall be delivered to the licensee and the commission.

E. To ensure the integrity of pari-mutuel wagering and validity of the race results, the licensee shall permit an integrity auditor, selected and paid for by the commission, complete access to review and monitor the integrity, security, and operation, including all race and handicapping data used in order to detect any compromise of or anomalies that would allow a player to have an unfair advantage.

F. The integrity auditor shall be in a position to extract actual data and use a statistically significant portion of this data applied to quality assurance testing and assess the validity of the vendor's management reporting by cross-referencing to a body of raw source information to determine correctness. The integrity auditor shall have experience and expertise involving all components of pari-mutuel wagering and totalizator systems.

G. The integrity auditor will collect and provide wagering data and reports from the licensee's vendor. This shall include pari-mutuel commission and liability reports for analysis and verification of the amounts wagered, payouts, takeout, and taxes in addition to all transactional data logs and reports daily as specified by the integrity auditor.

H. The licensee shall provide access to the integrity auditor to conduct periodic onsite inspections and terminal audits at licensed racetracks and satellite wagering facilities with assistance from the vendor. The licensee shall notify of any adverse or unusual occurrences relating to the operation of play or payouts to the integrity auditor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 48:1825 (July 2022).

Charles A. Gardiner III
Executive Director

2207#005

RULE

Department of Health Bureau of Health Services Financing

Emergency Telemedicine/Telehealth
(LAC 50:I.501, 503, and 505)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 5. Telemedicine/Telehealth

§501. Introduction

A. Telemedicine/telehealth is the use of an interactive audio and video telecommunications system to permit real time communication between a distant site health care practitioner and the beneficiary. There is no restriction on the originating site (i.e., where the beneficiary is located) and it can include, but is not limited to, a healthcare facility, school, or the beneficiary's home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:2032 (August 2005), amended by the Department of Health, Bureau of Health Services Financing, LR 46:796 (June 2020), LR 48:1825 (July 2022).

§503. Claim Submissions

A. Medicaid covered services provided via telemedicine/telehealth shall be identified on claim submissions by appending the appropriate place of service or modifier to the appropriate procedure code, in line with current policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:2032 (August 2005), amended by the Department of Health, Bureau of Health Services Financing, LR 45:436 (March 2019), LR 48:1825 (July 2022).

§505. Emergency Provisions

A. In the event that the federal or state government declares an emergency or disaster, the Medicaid Program may temporarily cover services provided through the use of an interactive audio telecommunications system, without the

requirement of video, if such action is deemed necessary to ensure sufficient services are available to meet beneficiaries' needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1825 (July 2022).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips
Secretary

2207#022

RULE

Department of Health Bureau of Health Services Financing

Home Health Agencies—Licensing Standards (LAC 48:I.Chapter 91)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 91 as authorized by R.S. 36:254 and R.S. 40:2116.31 et seq. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 91. Minimum Standards for Home Health Agencies

§9101. Definitions

A. The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Abuse—

a. the willful infliction of physical or mental injury;
b. causing deterioration by means including, but not limited to:

- i. sexual abuse;
- ii. exploration; or
- iii. extortion of funds or other things of value to

such an extent that the health, moral or emotional well-being of the individual being supported is endangered; or

c. the willful infliction of injury, unreasonable confinement, intimidation or punishment which results in or which could reasonably be expected to result in physical or mental harm, pain or mental anguish. Lack of awareness or knowledge by the victim of the act which produced, or which could have reasonably been expected to produce, physical or mental injury or harm shall not be a defense to the charge of abuse.

* * *

Advanced Practice Registered Nurse (APRN)—a licensed health care practitioner who is acting within the

scope of practice of his/her respective licensing board(s) and/or certificates.

Advisory Board—Repealed.

Allied Health Personnel—nursing assistants, licensed practical nurses, licensed physical therapy assistants, and other health care workers who require supervision by other licensed health care professionals in accordance with their scope of practice.

Branch—an office from which a home health agency (HHA) provides services within a portion of the total geographic service area served by the parent agency. The branch office is part of the parent HHA; is located within a 50-mile radius of the parent agency; and shares administration and supervision.

* * *

Cessation of Business—agency is non-operational and/or has stopped offering or providing services to the community.

Change of Ownership (CHOW)—the addition, substitution, or removal, whether by sale, transfer, lease, gift, or otherwise, of a licensed health care provider subject to this Rule by a person, corporation, or other equity, which results in a change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity.

a - d. Repealed.

Clinical Manager—a person designated in writing to supervise all aspects of patient care, all activities of professional staff and allied health personnel, and be responsible for compliance with regulatory requirements.

Clinical Note—a written or electronic notation of each visit with a patient, which shall include the date and time of the visit, services rendered, and the signature of person providing services. The note shall include any pertinent information related to the visit.

Clinical Nurse Specialist (CNS)—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Clinical Records—those documents maintained on all patients accepted for care by an HHA. The records shall be retained in accordance with existing state laws.

Controlling Ownership or Controlling Interest—an equity or voting interest possessed by a person or entity that:

a. has a direct or indirect equity interest equal to 5 percent or more in the capital, the stock, or the profits of an HHA; or

b. is an officer or director of an HHA which is organized as a corporation; or

c. is a partner in an HHA which is organized as a partnership; or

d. is a member or manager of an HHA which is organized as a limited liability company. The term controlling ownership is synonymous with the terms controlling interest or control interest as defined by the Department of Health and Human Services (DHHS), Centers for Medicare and Medicaid Services (CMS).

Department—the Department of Health (LDH) or any of its sections, bureaus, offices or its contracted designee.

Director of Nurses (DoN)—Repealed.

Employed—being assigned the performance of a job or task for compensation, such as wages or a salary. An

employed person may be one who is contracted or one who is hired for a staff position.

* * *

Governing Body—the person or group of persons who have legal authority for and/or ownership of the corporation of the HHA and responsibility for agency operations. A governing body assumes full legal authority and responsibility for the operation of the agency.

Home Health Agency—a state-owned and operated agency, or a subdivision of such an agency or organization; or a private nonprofit organization; or a proprietary organization which provides skilled home health care and support services to the public. Skilled home health care is provided under the order of an authorized healthcare provider, in the place of residence of the person receiving the care, and includes skilled nursing and at least one of the following services:

- a. physical therapy;
- b. speech therapy;
- c. occupational therapy;
- d. medical social services; or
- e. home health aide services.

Home Health Agency Premises—the physical site where the HHA maintains staff to perform administrative functions, and maintains its personnel records, or maintains its patient service records, or holds itself out to the public as being a location for receipt of patient referrals. The HHA shall be a separate entity from any other entity, business, or trade. If office space is shared with another healthcare related entity, the HHA shall operate independently, have a clearly defined scope of services, and ensure confidentiality is maintained for the HHA's patients. The HHA may not share office space with a non-healthcare related entity.

Home Health Aide—a person qualified to provide direct patient care in the home under the supervision of a RN or physical therapist to assist the patient with ADLs, in accordance with a written plan of care (POC), and requiring a clinical note for each patient visit.

Home Health Licensure Forms—the collection of appropriate forms for licensure that may be obtained from the department's website. Home health licensure forms shall be completed by all initial applicants before the licensure process can begin.

Jurisdiction—all home health agencies shall be under the jurisdiction of the LDH, which promulgates and enforces the rules governing the operation of such agencies or organizations. However, nothing in this Part shall be construed to prohibit the delivery of personal care, homemaker, respite, and other in-home services by a person or entity not licensed under this Rule unless provided with other home health services.

Licensed Practical Nurse—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications and who works under the supervision of an RN.

* * *

Misappropriation—taking possession without the permission of the individual who owns the personal belongings or the deliberate misplacement, exploitation or

wrongful temporary or permanent use of an individual's belongings or money without the individual's consent.

Neglect—the failure by a caregiver responsible for an individual's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his/her well-being, unless the patient exercises his/her right to refuse the necessary care.

Non-Licensed Person—any person who provides health-related services for compensation directly related to patient care to patients of an HHA and who is not a licensed healthcare provider. A non-licensed person is also any person who provides such services to individuals in their own homes as an employee or contract provider of an HHA.

Non-Operational—the HHA is not open for business operation on designated days and hours as stated on the licensing application and business location signage.

Nurse Practitioner (NP)—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Physician—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Physician Assistant (PA)—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

* * *

Registered Nurse—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

* * *

Support Services—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 22:1135 (November 1996), LR 27:2239 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1826 (July 2022).

§9102. Governing Body

A. The governing body shall designate an individual who is responsible for the day-to-day management of the HHA and shall ensure that all services provided are consistent with accepted standards of practice.

B. Responsibilities. The governing body shall:

1. conduct an annual documented review of the policies and procedures, the budget, overall program evaluation, statistical information, complaint resolutions, any projected changes, and emergency preparedness;
2. maintain written minutes of meetings with the signatures of all attendees, dates, and times; and
3. receive written notification of any of the following:
 - a. the agency's administrator or clinical manager is fired, resigns, or becomes incapacitated to the extent that he/she can no longer perform his/her duties;
 - b. the agency is surveyed and found to be in violation of the state law, minimum standards, Rules, or regulations of LDH;
 - c. any other grounds which adversely affect the agency's operation;

4. shall receive and acknowledge the results of any QAPI evaluation; and

5. maintain an organizational chart that delineates lines of authority and responsibility for all home health personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1827 (July 2022).

§9103. Personnel Qualifications and Responsibilities

A. Administrator. The administrator shall be appointed by and answer directly to the governing body of the agency. The administrator of the agency shall be designated in writing. The administrator shall be administratively responsible and available in person or by telecommunication at all times for all aspects of facility operation. The administrator and the clinical manager or the alternate clinical manager may be the same individual if dually qualified. If an individual is designated as the administrator for more than one agency, then he/she shall designate an alternate who is a full-time, on-site employee of each agency and meets the qualifications for an administrator.

1. Qualifications

a. The administrator shall have three years of management experience in the delivery of health care service and meet one of the following criteria:

i. is a licensed physician; or

ii. is an RN; or

iii. is employed as an administrator on or after January 13, 2018, and is a college graduate with a bachelor's degree; or

iv. is employed as an administrator prior to January 13, 2018, and has had three additional years of documented experience in health care delivery service; or

v. is an administrator who has experience in health service administration with at least one year of supervisory or administrative experience related to home health care or a home health care program.

vi. Repealed.

b. Repealed.

2. Responsibilities. The administrator shall:

a. - f. ...

g. act as liaison between staff, the group of professional personnel, and the governing body;

h. implement an ongoing accurate and effective budgeting and accounting system; and

i. ensure that complaints reported by patients, families, caregivers, authorized healthcare providers, agency staff or public are investigated and addressed in a timely manner.

3. Continuing Education. The administrator shall annually obtain two continuing education hours relative to the administrator's role, which may include, but not be limited to the following topics:

a. Medicare and Medicaid regulations;

b. management practices;

c. labor laws;

d. Occupational Safety and Health Administration rules, laws, etc.;

e. ethics; and

f. quality improvement.

B. Clinical Manager

1. Qualifications. The clinical manager shall be an RN who is currently licensed to practice in the state of Louisiana and has at least three years of experience as an RN. One of these years shall consist of full-time experience in providing direct patient care in a home health setting. The clinical manager shall be a full-time employee of the licensed HHA and shall not work full-time at any other licensed healthcare agency. The clinical manager shall be available at all times during operating hours and additionally as needed.

NOTE: The clinical manager may not work for another licensed healthcare entity when on call or during operating hours of the HHA.

a. - b. Repealed.

2. Responsibilities. The clinical manager shall:

a. be a full-time employee of only one HHA;

b. supervise all patient care activities to assure compliance with current standards of accepted nursing practice;

c. establish personnel and employment policies to assure that only qualified personnel are hired; employ qualified personnel by verifying licensure and/or certification (as required by law) prior to employment and annually thereafter; and certify and maintain records to support competency of all allied health personnel;

i. - iii. Repealed.

d. develop and maintain agency policy and procedure manuals that establish and support the highest possible quality of patient care, cost controls, quality assurance, and mechanisms for disciplinary action for infractions;

e. supervise employee health program;

f. assure compliance with local, state, and federal laws as well as promote the health and safety of employees, patients and the community with the following non-exclusive methods:

i. resolve problems;

ii. perform complaint investigations;

iii. refer impaired personnel to proper authorities;

iv. provide for orientation and in-service to personnel to promote the health and safety of the patient as well as to familiarize staff with regulatory issues and agency policy and procedures;

v. ensure orientation of health care personnel who provide direct patient care;

vi. ensure timely annual evaluation of health care personnel;

vii. assure regularly scheduled appropriate continuing education for all health professionals and home health aides;

viii. assure that the care provided by the health care personnel promotes the health and safety of the patient; and

ix. assure that agency policies are enforced, including but not limited to checking the direct service worker (DSW)/certified nurse aide (CNA) registry for adverse actions against non-licensed employees in accordance with state laws;

g. be on site or immediately available to be on site and available by telecommunications during normal operating hours. The agency shall designate in writing an RN who shall assume the responsibilities of the clinical manager during his/her absence, i.e., on vacation, ill time, at a workshop, etc.

3. Continuing Education. The clinical manager shall annually obtain two continuing education hours relative to the clinical manager's role, which may include, but not be limited to the following topics:

- a. Medicare and Medicaid regulations;
- b. management practices;
- c. labor laws;
- d. Occupational Safety and Health Administration rules, laws, etc.;
- e. ethics; and
- f. quality improvement.

C. Home Health Aide

1. Qualifications. A home health aide shall meet the following criteria:

a. have current nursing assistant certification and successfully complete the agency's competency evaluation; or

b. have successfully completed a home health aide training program and successfully complete the agency's competency evaluation and meet each of the following:

i. exhibit a sympathetic attitude toward the patient, an ability to provide care to the sick, and the maturity and ability to deal effectively with the demands of the job;

ii. have the ability to read, write, and carry out directions promptly and accurately; and

iii. shall inform all employers when employed with one or more agencies; cooperate and coordinate to assure highest performance of quality when providing services to the patient.

2. Responsibilities. The home health aide:

a. shall obtain and record vital signs during each visit in addition to notifying the primary RN of deviations according to standard practice;

b. may provide assistance with the following ADL's during each visit: mobility, transferring, walking, grooming, bathing, dressing or undressing, eating, or toileting. Some examples of assistance include:

i. helping the patient with a bath, care of the mouth, skin and hair;

ii. helping the patient to the bathroom or in using a bed pan or urinal;

iii. helping the patient to dress and/or undress;

iv. helping the patient in and out of bed, assisting with ambulation;

v. helping the patient with prescribed exercises which the patient and the health aide have been taught by appropriate personnel; and

vi. performing such incidental household services essential to the patient's health care at home that are necessary to prevent or postpone institutionalization;

c. may perform care assigned by an RN if the delegation is in compliance with current standards of nursing practice;

d. may administer over the counter disposable enemas, saline or vinegar douches, and glycerine or Ducolax suppositories if such are included in the patient's POC; and

e. shall complete a clinical note for each visit, which shall be incorporated into record at least on a weekly basis.

f. - g. Repealed.

3. Restrictions. The home health aide shall not:

a. perform any intravenous procedures, procedures involving insertion of feeding tubes or urinary catheters, the administration of tube feedings, or any other sterile or invasive procedures;

b. administer medications to any patient; and

c. perform any of the following tasks which are not home health aide services:

i. transporting the patient;

ii. general housekeeping duties; or

iii. shopping.

4. Training. An HHA that offers a training program shall, at a minimum, include the following in the training program:

a. communication skills;

b. observation, reporting and documentation of patient status and the care or service furnished;

c. reading and recording temperature, pulse, and respiration;

d. basic infection control procedures;

e. basic elements of body functioning and changes in body function that shall be reported to the patient's RN;

f. maintenance of a clean, safe, and healthy environment of the patient's immediate surroundings;

g. recognizing emergencies and knowledge of emergency procedures;

h. the physical, emotional, and developmental needs of the patient and methods for working with the populations served by the agency, including the need to respect the patient, his/her privacy and his/her property;

i. safe transfer techniques and ambulation;

j. appropriate and safe techniques in personal hygiene and grooming that include:

i. bed bath;

ii. sponge, tub, or shower bath;

iii. sink, tub, or bed shampoo;

iv. nail and skin care;

v. oral hygiene; and

vi. toileting and elimination.

k. normal range of motion and positioning;

l. adequate nutrition and fluid intake;

m. any other task, within state regulations, that the agency may choose to have the home health aide perform.

5. Orientation. The content of the basic orientation provided to home health aides shall include the following:

a. policies and objectives of the agency;

b. duties and responsibilities of a home health aide;

c. the role of the home health aide as a member of the health care team;

d. ethics and confidentiality;

e. record keeping;

f. information on the process of aging and behavior of the aged;

g. information on the emotional problems accompanying illness; and

h. principles and practices of maintaining a clean, healthy and safe environment.

6. Assignment. The home health aide is assigned to a patient by an RN in accordance with the POC. Specific written instructions for patient care are prepared by an RN or therapist as appropriate. All personal care services are described to the patient, in writing, by the RN in charge of that patient.

7. Supervision. An RN or licensed therapist shall provide direct supervision to the home health aide as follows.

a. An RN shall supervise and evaluate the home health aide's ability to perform assigned duties, relate to the patient, and work effectively as a member of the health care team.

b. Periodic on-site supervision with the home health aide present shall be established as part of the agency's policies and procedures.

c. If the patient is receiving a skilled service (nursing, physical therapy, occupational therapy, or speech language pathology), the supervisory visits shall be made to the patient's residence at least once every two weeks (not to exceed 14 days) by the RN or appropriate therapist to assess relationships and determine whether goals are being met.

d. If the patient is not receiving skilled services, an RN shall make a supervisory visit to the patient's residence at least once every 60 days. In order to ensure that the aide is properly caring for the patient, the supervisory visit shall occur while the home health aide is providing patient care.

e. Documentation of supervision shall include the aide-patient relationships, services provided, and instructions and comments given as well as other requirements of the clinical note.

f. Annual performance review for each aide shall be documented in the individual's personnel record.

8. In-service. The agency shall offer a minimum of 12 hours of appropriate in-service training to each home health aide every calendar year. The in-service may be furnished while the aide is providing service to the patient, but shall be documented.

a. These in-service sessions should include, but are not limited to:

- i. care of the body;
- ii. communication;
- iii. infection control;
- iv. safety and documentation.

b. In-service training may be prorated for employees who only worked a portion of the year; however, part-time employees who work throughout the year shall attend 12 hours of in-service training.

c. Documentation should include the outline and length of the in-service training.

D. Licensed Practical Nurse

1. Qualifications. A licensed practical nurse (LPN) shall:

- a. be currently licensed by the Louisiana State Board of Practical Nurse Examiners with no restrictions;
- b. have worked at least one year as an LPN prior to being employed by an HHA; and
- c. inform all employers when employed with one or more agencies and cooperate and coordinate to assure highest performance of quality when providing services to the patient.

d. - f. Repealed.

2. Responsibilities. The LPN shall:

a. perform skilled nursing services under the supervision of an RN in accordance with the laws governing the practice of practical nursing;

b. observe and report the patient's response to treatment and any changes in the patient's condition to the authorized healthcare provider and the supervising RN;

i. - vi. Repealed.

c. administer prescribed medications and treatments as permitted by the laws governing the practice of practical nursing;

d. prepare clinical and/or progress notes and incorporate them into the clinical record at least weekly;

e. perform wound care as ordered in accordance with the POC; and

f. perform routine venipuncture (phlebotomy) if written documentation of competency is in personnel record. Competency shall be evaluated by an RN even if LPN has completed a certification course.

3. Restrictions. The LPN shall not:

- a. access any intravenous appliance for any reason;
- b. perform supervisory visit for a home health aide;
- c. develop and/or alter the POC;

i. - iii. Repealed.

d. make initial assessment visit;

e. prepare the recertification;

f. make aide assignments; or

g. function as a supervisor of the nursing practice of any RN.

4. - 8.c. Repealed.

E. Medical Social Services

1. Qualifications. A medical social worker shall:

a. be currently licensed by the Louisiana Board of Certified Social Work Examiners; or

b. have a master's degree from a school of social work accredited by the Council on Social Work Education in accordance with the requirements of the Louisiana State Board of Social Work Examiners.

c. Repealed.

2. Responsibilities. The medical social worker shall:

a. assist the authorized healthcare provider and other members of the health care team in understanding significant social and emotional factors related to the patient's health problems;

b. assess the social and emotional factors having an impact on the patient's health status, and assist in the formulation of the POC;

c. provide services within the scope of practice, as defined by state law, in accordance with the POC and in coordination with other members of the health care team;

d. ...

e. participate in discharge planning and in-service programs related to the needs of the patient; acts as a consultant to other members of the health care team; and

f. prepare a written assessment and summary of services provided when medical social work services are discontinued, including an assessment of the patient's current status that shall be retained in the patient's clinical record, and a copy forwarded to the attending authorized healthcare provider within five business days.

3. Restrictions. An unlicensed medical social worker may not contract directly with the HHA for clinical services, consultation, supervision or educational services.

a - g. Repealed.

F. Nutritional Guidance Services

1. Qualifications. If an agency provides or arranges for nutritional guidance, the staff member or consultant shall be a professional dietitian who meets the qualification standards of the Commission on Dietetic Registration of the American Dietetic Association.

a. - b. Repealed.

2. Responsibilities. The dietitian shall:

a. document each visit made to the patient and incorporate notes into the clinical record on a weekly basis;

b. prepare initial nutritional dietary assessment;

c. communicate with the clinical manager, the nurse supervisor and/or the primary nurse assigned to the patient regarding the need for a continuation of services for each patient;

d. evaluate compliance with authorized healthcare provider ordered therapeutic diet and makes recommendations as needed;

e. evaluate patient's socio-economic factors to develop recommendations concerning food purchasing, preparation and storage;

f. train those persons who are responsible for purchasing and storing food;

g. evaluate food preparation methods to ensure that nutritive value is conserved in addition to flavor, texture and temperature principles being adhered to in meeting the individual patient's needs;

h. participate in all related case conferences with agency staff. Minutes of case conferences are retained in patient's clinical record;

i. prepare a written discharge summary and ensure that a copy is retained in patient's clinical record and a copy is forwarded to the attending authorized healthcare provider within five business days;

j. assess and evaluate the food and nutritional needs of the patient in accordance with the plan of treatment and the recommended daily dietary allowances established by the Food and Nutrition Board, National Academy of Sciences-National Research Council;

k. participate in discharge planning and in-service training programs related to the needs of the patient and acts as a consultant to the other members of the health care team; and

l. ensure that a current diet manual (within five years of publication) is readily available to agency staff where applicable.

3. Repealed.

G. Occupational Therapist

1. Qualifications. An occupational therapist shall be currently licensed by the LSBME.

2. Responsibilities. The occupational therapist shall:

a. assist the authorized healthcare provider in evaluating the patient's functional status and occupational therapy needs, and assist in the development of the POC;

b. provide services within the scope of practice as defined by the state laws governing the practice of occupational therapy, in accordance with the POC, and in coordination with other members of the health care team;

c. observe and report the patient's response to treatment and any changes in his/her condition to the authorized healthcare provider and the supervising RN;

d. instruct and inform participating members of the health care team, the patient, and the family/caregivers regarding the POC, functional limitations and progress towards goals;

e. prepare clinical and/or progress notes for each visit and incorporate them into the clinical record at least weekly;

f. when occupational therapy services are discontinued, prepare a written discharge summary of services provided, including an assessment of patient's current status, for retention in the patient's clinical record, and forward a copy to the attending authorized healthcare provider within five business days; and

g. provide supervision of the occupational therapy assistant (OTA) as follows:

i. be readily available to the OTA by telecommunications;

ii. assess the competency and experience of the OTA;

iii. establish the type, degree and frequency of supervision that is required for an OTA in a home health setting; and

iv. conduct a face-to-face patient care conference with each OTA once every two weeks, or once every four to six treatment sessions, to review progress and modification of treatment programs for all patients.

h. - l. Repealed.

H. Occupational Therapy Assistant

1. Qualifications. The OTA shall:

a. be currently licensed by the Louisiana State Board of Medical Examiners to assist in the practice of occupational therapy under the supervision of a licensed registered occupational therapist; and

b. have, at a minimum, two years' experience as a licensed OTA before starting a home health caseload.

2 - 2.g.iv. Repealed.

I. Physical Therapist

1. Qualifications. The physical therapist shall be currently licensed by the Louisiana State Board of Physical Therapy Examiners.

a - b. Repealed.

2. Responsibilities. The physical therapist shall:

a. assist the authorized healthcare provider in evaluating the patient's functional status and physical therapy needs, and assist in the development of the POC;

b. provide services within the scope of practice as defined by the state laws governing the practice of physical therapy, in accordance with the POC, and in coordination with other members of the health care team;

c. observe and report the patient's reaction to treatment and any changes in his/her condition to the authorized healthcare provider and the supervising RN;

d. instruct and inform participating members of the health care team, the patient, and the family/caregivers regarding the POC, functional limitations and progress towards goals;

e. prepare clinical and/or progress notes for each visit and incorporate them into the clinical record at least weekly;

f. when physical therapy services are discontinued, prepare a written discharge summary and ensure that a copy

is retained in the patient's clinical record and a copy is forwarded to the attending authorized health care provider;

g. may supervise home health aides in lieu of an RN if physical therapy is the only skilled service being provided;

h. provide supervision to a physical therapy assistant (PTA) as follows:

i. be readily accessible by telecommunications;

ii. evaluate and establish a written treatment plan on the patient prior to implementation of any treatment program;

iii. treat and reassess the patient on at least every sixth visit, but not less than once per month;

iv. conduct a face-to-face patient care conference every two weeks with each PTA to review progress and modification of treatment programs for all patients; and

v. assess the final treatment rendered to the patient at discharge and include in the discharge summary.

J. Physical Therapy Assistant

1. Qualifications. The PTA shall be currently licensed by the Louisiana State Board of Physical Therapy Examiners and be supervised by a licensed physical therapist. The PTA shall have, at a minimum, one year of experience as a licensed PTA before assuming responsibility for a home health caseload.

a. - c. Repealed.

2. Restrictions. The PTA's duties shall not include interpretation and implementation of referrals or prescriptions, performance evaluations, or the determination or major modifications of treatment programs.

a. - h.v. Repealed.

K. Registered Nurse

1. Qualifications. The RN shall be currently licensed by the LSBN without restrictions and have, at a minimum, one year of clinical experience as an RN. This requirement may be waived for an RN with one year's clinical experience as an LPN.

a. Special Qualifications. In addition to the above qualifications, an RN shall have one of the following credentials in order to provide psychiatric nursing services. Work experience shall have been obtained within the last five years. If experience is not within the five-year time period, then documentation shall be provided to support either psychiatric retraining, classes, or CEUs to update psychiatric knowledge:

i. a master's degree in psychiatric or mental health nursing; or

ii. a bachelor's degree in nursing and one year of work experience in an active treatment unit in a psychiatric or mental health facility or outpatient mental health clinic; or

iii. a diploma or associate degree and two years of work experience in an active treatment unit in a psychiatric or mental health hospital or outpatient clinic.

2. Responsibilities. The RN shall:

a. provide or supervise skilled nursing services in accordance with authorized healthcare provider orders;

b. assess and regularly re-evaluate the nursing needs of the patient;

c. develop, initiate, implement, and update the POC as needed or at least every 60 days, or as needed;

d. provide specialized nursing services, which may include treatments and diagnostic and preventive procedures;

e. initiate preventive and rehabilitative nursing procedures as appropriate for the patient's care and safety;

f. coordinate services and inform the authorized healthcare provider and other personnel of changes in the patient's condition and needs;

g. teach, supervise and counsel the patient, family members and other members of the health care team regarding the nursing care needs and other related problems of the patient at home;

h. prepare clinical and/or progress notes and incorporate them into the clinical record at least weekly;

i. observe and report the patient's response to treatment and any changes in his/her condition to the authorized healthcare provider and supervising RN;

j. conduct on-site supervisory evaluations at least every six months of each licensed practical nurse while he/she is providing care and document such supervision in the LPN's personnel file;

k. conduct on-site supervision of patient care provided by the home health aide; and

l. function as patient advocate in all medical decisions affecting the patient.

3. Restrictions. An RN applicant may not work in the home health setting as an RN.

L. Speech Pathology Services

1. Qualifications. The speech pathologist shall be currently licensed by the Louisiana Board of Examiners of Speech Pathology and Audiology.

a. - a.iii. Repealed.

2. Responsibilities. The speech pathologist shall:

a. assist the authorized healthcare provider and other members of the health care team in evaluating the patient's speech or language needs and formulating the POC;

b. provide service within the scope of practice as defined by the state law governing the practice of speech pathology, in accordance with the POC and in coordination with other members of the health care team;

c. observe and report the patient's response to treatment and any changes in the patient's condition to the authorized healthcare provider and supervising RN;

d. instruct and inform participating members of the health care team, the patient, and the family/caregivers regarding the POC, functional limitations and progress towards goals;

e. prepare clinical and or progress notes for each visit and incorporate them into the clinical record at least weekly; and

f. prepare a written summary of the services provided when speech therapy services are discontinued, including an assessment of the patient's current status which shall be retained in the patient's clinical record and a copy forwarded to the authorized healthcare provider within five business days.

2.g. - M.2.f. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq..

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 22:1135 (November 1996), LR 27:2240 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1828 (July 2022).

§9105. State Licensure

A. Initial Licensure

1. The LDH is the only licensing authority for home health agencies in the state of Louisiana. To initiate the review process for licensure as an HHA, the applicant shall submit the following:

- a. ...
- b. the required fee for licensure by corporate check, certified check or money order or in other manner as determined by the department. This fee is non-refundable;
- c. ...
- d. proof of general and professional liability insurance as well as worker's compensation insurance. The general and professional liability coverage shall be for at least \$300,000. The agency shall maintain these insurance requirements at all times, and be able to provide proof of insurance upon request as follows:
 - i. proof of general liability insurance of at least \$300,000 per occurrence;
 - ii. proof of worker's compensation insurance as required by state law;
 - iii. proof of professional liability insurance of at least \$100,000 per occurrence/\$300,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):

(a). if the HHA is self-insured and is not enrolled in the PCF, professional liability limits shall be \$1 million per occurrence/\$3 million per annual aggregate.

NOTE: The LDH-Health Standards Section (HSS) shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

e. résumés and documentation of qualifications for administrator and clinical manager. Additional information may not be submitted after the original resumé is submitted for review, except for changes in the designated positions or with approval of the HSS;

- f. - g. ...
- h. proof of citizenship or a valid green card for all administrative personnel, officers, directors and owners;
- i. any other forms for initial licensure as required by the HSS; and
- j. the "doing business as" (DBA) name of the agency shall not be the same or similar to another licensed HHA registered with the Secretary of State.

2. An application shall not be reviewed until payment of application fee has been received. All requirements of the application process shall be completed by the applicant within 90 days of the date of the initial submission of the home health license application. Upon approval of the application by LDH, the applicant shall agree to become fully operational and prepared for initial survey within 90 days. Any application not completed within 90 days after the initial submission shall be closed.

3. The applicant shall be notified in writing when the application process is completed and the application is approved. The applicant shall receive instructions regarding requesting an initial licensing survey.

4. Approved applicants shall be fully operational, in compliance with all licensing standards and providing care to only two patients at the time of the initial survey.

5. Repealed.

B. Types of Licenses. The LDH shall have the authority to issue the three types of licenses described below:

1. ...
2. Provisional License—may be issued to those existing agencies that do not meet criteria for full licensure. Such licenses may be issued to any agency by the department when the agency:
 - a. receives more than five violations of the minimum standards in a one-year period;
 - b. receives more than three valid complaints in a one-year period;
 - c. has placed a patient at risk according to a documented incident;
 - d. fails to correct deficiencies within 60 days of being cited;
 - e. fails to submit assessed fees after notification by the department;
 - f. has an owner, administrator, officer, director or clinical manager who has pled guilty or nolo contendere to a felony, or been convicted of a felony as documented by a certified copy of the record of the court of conviction. If the applicant is a firm or corporation, a provisional license may also be issued when any of the members, officers, or the person designated to manage or supervise the agency has been convicted of a felony; or
 - g. fails to notify the department in writing within 30 days of the occurrence of a change in any of the following:
 - i. controlling ownership;
 - ii. administrator;
 - iii. clinical manager or alternate;
 - iv. address/telephone number, either parent or branch;
 - v. hours of operation; and
 - vi. after-hours contact procedures.

C. - D. ...

E. Survey Process

1. Initial. An on-site survey shall be conducted to assure compliance with the minimum standards. The request for initial licensing survey shall be accepted after the applicant has been notified in writing by the department that the application process is completed and the applicant is approved for an initial survey. This survey shall be unannounced and the agency shall have only one opportunity to be in compliance with the minimum standards. If the initial survey finds that the agency is not in substantial compliance with the minimum standards, then the agency shall transfer all patients and close.

2. Renewal. An unannounced, on-site visit may be conducted to assure compliance with the minimum standards as determined by the department. This survey may be conducted in conjunction with a survey for Medicare recertification or other reasons.

3. Follow-up. An unannounced survey may be conducted following annual re-licensing, complaint, or previous follow-up survey when the agency is not in substantial compliance with the minimum standards.

4. Complaint Investigation. The LDH has the authority to conduct investigations regarding home health agencies. A complaint investigation may be conducted during an unannounced on-site visit, by administrative review, or by telephone, as appropriate.

5. Violations of Minimum Standards. If the agency is found to be in violation of the minimum standards during any survey, a statement of deficiencies listing those violations shall be issued to the agency. The agency shall respond to these violations with an acceptable plan of correction, which shall be submitted to the department. The plan of correction shall be received by the department within 10 days of receipt of the statement of deficiencies by the agency. A follow-up survey may be conducted to assure that the agency has achieved substantial compliance with the minimum standards. If the follow-up survey reveals that the agency is still not in substantial compliance with the minimum standards, then a provisional license may be issued or a revocation action may be initiated in accordance with R.S.40:2116.32 and R.S. 40:2116.36.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 22:1135 (November 1996), LR 27:2245 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1833 (July 2022).

§9107. Fees

A. Licensing Fee. A licensing fee, in the amount determined by LDH, is required to be submitted with the initial application. The department shall not consider an application as complete without the required licensing fee.

B. - C. ...

D. Change of Ownership Fee. A fee equal to the amount of licensing fee is to be paid to the department by the new owner when a CHOW occurs.

E. ...

F. Provisional License Fee. Any agency issued a provisional license shall pay an additional amount equal to the annual fee for each follow-up survey. Fees shall be paid to the department prior to the survey being performed and shall be non-refundable.

NOTE: All fees submitted to the department shall be in the form of a certified check, company check, or money order or in other manner as determined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2246 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1834 (July 2022).

§9109. Changes

A. Notice of Changes. The department shall be notified in writing by mail/e-mail or by facsimile no later than five days prior to the occurrence of any of the following changes:

1. - 6. ...

7. administrator or clinical manager;

8. controlling ownership; and

9. ...

B. Change of Ownership. The department shall be notified in writing of a CHOW or change of controlling interest.

1. A CHOW packet is required to be submitted with required fees.

2. When a change in controlling interest occurs, written documentation and disclosure of the change shall be submitted.

3. The purchaser of the agency shall meet all criteria for an initial application for licensure. (See §9105, State Licensure.)

C. Voluntary Termination of License. If at any time the agency ceases to operate, the agency shall meet the requirements of §9110.

D. Relocation of an Agency. The department shall be notified in writing of any relocation of an agency. An agency may only relocate within a 50-mile radius of the location where the agency was originally licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 57 (January 1992), amended LR 21:177 (February 1995), LR 22:1135 (November 1996), LR 27:2246 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1834 (July 2022).

§9110. Cessation of Business

A. Except as provided in §9116 and §9117 of these licensing regulations, a license shall be immediately null and void if an HHA becomes non-operational.

B. A cessation of business is deemed to be effective the date on which the HHA ceases offering or providing services to the community and/or is considered non-operational in accordance with the requirements in §9115.B.1-3.c.

C. Upon the cessation of business, the HHA shall immediately return the original license to the department.

D. Cessation of business is deemed to be voluntary action on the part of the agency. The HHA does not have a right to appeal a cessation of business.

E. Prior to the effective date of the closure or cessation of business, the HHA shall:

1. give 30 days' advance written notice to:

a. each patient or patient's legal representative, if applicable;

b. each patient's authorized healthcare provider; and

c. Health Standards Section.

2. provide for a safe and orderly discharge and transition of all of the HHA's patients.

F. In addition to the advance notice, the HHA shall submit a written plan for the disposition of patient related records for approval by the department. The plan shall include the following:

1. the effective date of the closure;

2. provisions that comply with federal and state laws on storage, maintenance, access, and confidentiality of the closed agency's patient related records;

3. the name and contact information for the appointed custodian(s) who shall provide the following:

a. access to records and copies of records to the patient or authorized representative, upon presentation of proper authorization(s); and

b. physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss and destruction;

4. public notice regarding access to records, in the newspaper with the largest circulation in close proximity to the closing agency, at least 15 days prior to the effective date of closure.

G. If an HHA fails to follow these procedures, the owners, managers, officers, directors, and administrators may be prohibited from opening, managing, directing, operating, or owning an HHA for a period of two years.

H. Once any HHA has ceased doing business, the agency shall not provide services until the agency has obtained a new initial HHA license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1834 (July 2022).

§9111. Denial, Revocation or Denial of License Renewal

A. Denial of Licensure Applications. If an agency's license is revoked or denied renewal, no other HHA license application shall be accepted from that agency for approval by the department for two years from the date of the revocation or denial of renewal of the license.

B. Grounds for Denial or Revocation of License. The LDH may deny an application for a license, refuse to renew a license or revoke a license in accordance with R.S. 40:2116.36 and 40:2116.37.

C. Grounds for Immediate Denial or Revocation. A license shall be immediately denied or revoked if the department determines that the agency either knowingly and willfully or through gross negligence allowed or directed actions which resulted in:

1. - 2. ...

3. failure to protect patients or persons in the community from the harmful actions of the agency employees including, but not limited to coercion, threat, intimidation, solicitation and harassment;

4. - 6. ...

7. bribery, harassment, or intimidation of any person designed to cause that person to use the services of any particular HHA;

8. pleading guilty or nolo contendere to a felony, or being convicted of a felony by an owner, administrator, officer, director, or clinical manager as documented by a certified copy of the record of the court of conviction. If the applicant is a firm or corporation, a license may also be immediately denied or revoked when any of its members, officers, or the person designated to manage or supervise the home care has been convicted of a felony. For purposes of this Paragraph, conviction of a felony means and includes:

a. - c. ...

D. Additional Grounds for Denial or Revocation. A license may be denied, revoked or not renewed for failure to correct any violation of law and regulation for which a provisional license may have been issued under R.S. 40:2116.31, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 22:1135 (November 1996), LR 27:2247 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1835 (July 2022).

§9113. Informal Dispute Resolution Process, Notice and Appeal Procedure

A. Informal Dispute Resolution Process. An agency has one opportunity to question citations of deficient practice

through an informal dispute resolution process. To request an informal dispute resolution discussion, the agency shall submit a written request specifying the deficient practice(s) that are being disputed and why the agency is questioning the deficient practice(s). The request shall be made within 10 calendar days of the date of the agency's receipt of the notice of the deficient practice(s). Reconsideration shall be made solely on the survey report, statement of violations and all documentation the agency submits to the department at the time of its request for reconsideration. Correction of a violation shall not be a basis for reconsideration. Since this is an informal dispute resolution discussion, it is not necessary for the agency's attorney to be present. However, if the agency wishes to include their attorney in the informal dispute resolution discussion, the agency shall indicate this in their written request. The informal dispute resolution process is not in lieu of the appeals process.

B. Notice. Notice of reasons for denial of renewal or revocation of a license shall be given in accordance with the current Louisiana Revised Statutes.

C. Administrative Appeal Process. When an administrative appeal is requested in a timely manner, the Division of Administrative Law (DAL) shall provide an administrative hearing in accordance with the provisions of the Louisiana Administrative Procedure Act (APA) and the current Louisiana Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2247 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1835 (July 2022).

§9115. Agency Operations

A. ...

B. Operational Requirements

1. An HHA shall:

a. - b. ...

c. have an RN immediately available by telecommunications at all times;

d. respond to patient care needs and authorized healthcare provider orders in a timely manner;

e. - i. ...

j. accept medical orders only from an authorized healthcare provider or authorized healthcare provider representative (e.g., hospital discharge planner);

k. ...

l. have an emergency preparedness plan (which conforms to the Louisiana Model Home Health Emergency Preparedness Plan) designed to manage the consequences of natural disasters or other emergencies that disrupt the HHA's ability to provide home health services;

m. - q. ...

r. notify the department of any change of address, services added or ceased, and change of all key employees in accordance with §9109;

s. maintain general and professional liability insurance and workers' compensation insurance in accordance with the requirements of §9105.

2. An HHA may:

a. - b. ...

3. An HHA shall not:

a. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2248 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1835 (July 2022).

§9116 Inactivation of License Due to a Declared Disaster or Emergency

A. An HHA licensed in a parish which is the subject of an executive order or proclamation of emergency or disaster issued in accordance with R.S.29:724 or R.S.29:766, may seek to inactivate its license for a period not to exceed one year, provided that the following conditions are met:

1. the licensed agency shall submit written notification to the HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the agency has experienced an interruption in the provisions of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the licensed agency intends to resume operation as an HHA in the same service area;

c. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

d. includes an attestation that all patients have been properly discharged or transferred to another provider; and

e. provides a list of each patient and where that patient is discharged or transferred to;

2. the licensed agency resumes operating as an HHA in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;

3. the licensed HHA continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties; and

4. the licensed HHA continues to submit required documentation and information to the department.

B. Upon receiving a completed written request to inactivate an HHA license, the department shall issue a notice of inactivation of license to the HHA.

C. Upon completion of repairs, renovation, rebuilding or replacement, an HHA which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met.

1. The HHA shall submit a written license reinstatement request to the licensing agency of the department 60 days prior to the anticipated date of reopening.

a. The license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing survey.

b. The license reinstatement request shall include a completed licensing application with appropriate licensing fees.

2. The agency resumes operating as an HHA in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766.

D. Upon receiving a completed written request to reinstate an HHA license, the department shall conduct a licensing survey. If the HHA meets the requirements for licensure and the requirements under this Section, the department shall issue a notice of reinstatement of the HHA license.

E. No CHOW in the HHA shall occur until such HHA has completed repairs, renovations, rebuilding or replacement construction, and the HHA has reinstated its license and resumed operation as an HHA.

F. The provisions of this Section shall not apply to an HHA which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the HHA license and any applicable facility need review approval for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1836 (July 2022).

§9117. Inactivation of License Due to a Non-Declared Disaster or Emergency

A. A licensed HHA in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. The licensed HHA shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

a. the HHA has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the licensed HHA intends to resume operation as a HHA in the same service area;

c. the licensed HHA attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the licensed HHA's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding or replacement of the facility.

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

2. the licensed HHA continues to pay all fees and costs due and owed to the department including, but not limited to annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the licensed HHA continues to submit required documentation and information to the department, including but not limited to cost reports.

B. Upon receiving a completed written request to temporarily inactivate an HHA, the department shall issue a notice of inactivation of its license to the HHA.

C. Upon the agency's receipt of the department's approval of request to inactivate the HHA's license, the HHA shall have 90 days to submit plans for the repairs, renovations, rebuilding, or replacement of the HHA.

D. The licensed HHA shall resume operating as an HHA in the same service area within one year.

EXCEPTION: If the agency requires an extension of this timeframe due to circumstances beyond the agency's control, the department may consider an extended time period to complete construction or repairs. Such written request for extension shall show agency's active efforts to complete construction or repairs and the reasons for request for extension of agency's inactive license. Any approval for extension is at the sole discretion of the department.

E. Upon completion of repairs, renovations, rebuilding or replacement of the agency, an HHA which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the HHA shall submit a written license reinstatement request to the agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing survey; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

4. Repealed.

F. Upon receiving a completed written request to reinstate an HHA license, the department may conduct a licensing survey. The department may issue a notice of reinstatement if the agency has met the requirements for licensure including the requirements of this Subsection.

G. No CHOW in the HHA shall occur until such HHA has completed repairs, renovations, rebuilding or replacement construction and has resumed operation as an HHA.

H. The provisions of this Subsection shall not apply to an HHA which has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the home health agency license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2248 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1836 (July 2022).

§9118. Operation of Branch Offices [Formally §9117]

A. Branch Office Approval. No branch office may be opened without written approval from the department. In order for a branch office to be approved, the parent agency shall have full licensure for at least one year. Branch office approval shall be renewed at the time of renewal of the parent agency's license if the parent agency meets the requirements for licensure.

B. Identification. The branch shall be held out to the public as a branch or division of the parent agency, so that the public shall be aware of the identity of the agency operating the branch. Reference to the name of the parent agency shall be contained in any written documents, signs, or other promotional materials relating to the branch.

C. Personnel Records. Original personnel files shall not be maintained at the branch office.

D. Survey. A branch office is subject to survey by the department at any time to determine compliance with the minimum standards which apply to HHAs.

E. Operational Requirements. A branch office shall:

1. serve a part of the geographic service area approved for the parent agency;

2. offer all home health services provided by the parent agency;

3. retain all original clinical records for its patients. Duplicate records need not be maintained at the parent agency, but shall be made available to federal/state surveyors during any review upon request; and

4. make personnel policies available to all HHA employees, including employees of the branch office

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1837 (July 2022).

§9119. Personnel Policies and Records

A. Personnel Policies. Each HHA shall develop and implement personnel policies. The policies shall be reviewed on an annual basis and shall specify agency requirements regarding the following:

1. - 6. ...

7. continuing education related to health care activities:

a. health professionals shall attend inservice training as required by respective licensing boards.

b. home health aides shall attend inservice training 12 hours per calendar year;

8. - 10. ...

11. payroll;

12. criminal background investigations (history check), if applicable; and

13. a process for checking the direct service worker registry and the Louisiana certified nurse aide registry upon hiring an employee, and every six months thereafter, to ensure that non-licensed personnel do not have a finding placed against him/her of abuse, neglect, or misappropriation of funds of an individual. If there is such a finding on the DSW and/or CNA registry, the applicant shall not be employed, nor shall a current employee have continued employment with the HHA.

B. Personnel Records. Original personnel files shall be maintained either at the parent agency or integrated with the human resources department of a hospital, agency home office or the parent corporation of the agency. Personnel records shall be made available to surveyors on request. There shall be a personnel record on file for each employee and contract staff member including, but not limited to, the following information:

1. - 8. ...

9. documentation of continuing education;

10. criminal background investigation (history check), if applicable; and

11. registry checks, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2248 (December 2001), amended by the

§9120. Home Health Agency Responsibilities

A. Prior to hiring any non-licensed person, the home health agency HHA shall:

1. ensure that the individual is at least 18 years of age;
 2. document that the individual is able to read, write and compare the English language; and
 3. access the DSW/CNA registry to determine if there is a finding that a prospective hire, or currently employed or contracted non-licensed person, has been determined to have committed exploitation, extortion, abuse or neglect of an individual being supported, or misappropriated the individual's property or funds.
4. Access to the registry shall be limited to an inquiry for a specific individual.

B. The HHA shall have a written policy/process to check the DSW/CNA registry on the department's designated database at least every six months to determine if any currently employed or contracted non-licensed person has been placed on the registry with a finding that he/she has been determined to have committed abuse or neglect of an individual being supported or misappropriated the patient's property or funds or committed exploitation or extortion of a patient.

1. The HHA shall follow the agency's process in demonstration of compliance with this procedure.

2. If there is such a finding on the registry, the employee shall not have continued employment as a non-licensed person with the HHA.

NOTE: The DSW/CNA registry is maintained on the department's designated database which may also contain other exclusionary information on a non-licensed person. The HHA's responsibility to access the database shall also be conducted in accordance with other departmental Rules and regulations, as applicable.

C. Criminal History. In accordance with R.S. 40:1203.1-5 et seq., the HHA shall have a written policy and process to request in writing a security check and the criminal history of an employee, either contracted or directly employed, conducted by the Louisiana State Police or authorized agency, upon offer of employment or contract.

1. The HHA may make an offer of temporary employment to a non-licensed person pending the results of the criminal history and security check on the person. In such instances, the HHA shall provide to the Louisiana State Police, or authorized agency, the name and relevant information relating to the person within 72 hours after the date the person accepts temporary employment.

2. The security check shall consist of the use of personal identifiers, such as name, social security number, date of birth, and driver's license number, to search the national sex offender public registry. The HHA shall obtain from the Louisiana State Police or the authorized agency the results of the security check to verify if an applicant is listed in the national sex offender public registry.

3. Any home health aide offered temporary employment prior to the receipt of the results of the required criminal history and security check shall be under the direct supervision of a permanent employee or shall be in the presence of a member of the immediate family of the patient or of a caregiver designated by the immediate family of the patient.

a. For purposes of this Paragraph, member of the immediate family means a child, parent, grandparent, sibling, uncle, aunt, nephew, or niece of the patient related by blood, marriage, or adoption.

D. The provisions of this Section shall apply to non-licensed persons who are compensated, either by direct employment or through contract, regardless of the setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1838 (July 2022).

§9121. Emergency Preparedness

A. The HHA shall have an emergency preparedness plan which conforms to the current Office of Emergency Preparedness model plan and is designed to manage the consequences of natural disasters or other emergencies that disrupt the HHA's ability to provide care and treatment or threaten the lives or safety of its patients. The HHA is responsible for obtaining a copy of the current Home Health Emergency Preparedness Model Plan from the Louisiana Office of Emergency Preparedness.

B. At a minimum, the agency shall have a written plan that describes:

1. the evacuation procedures for agency patients who require community assistance as well as for those with available caregivers to another location;

2. the delivery of essential care and services to agency patients, whether they are in a shelter or other locations;

3. ...

4. a plan for coordinating transportation services required for evacuating agency patients to another location; and

5. assurance that the agency shall notify the patient's family or caregiver, if patient is evacuated to another location.

C. The HHA's plan shall be activated at least annually, either in response to an emergency or in a planned drill. The HHA's performance during the activation of the plan shall be evaluated and documented. The plan shall be revised if the agency's performance during an actual emergency or a planned drill indicates that it is necessary.

D. Any updates or revisions to the plan shall be submitted to the parish Office of Emergency Preparedness for review. The parish Office of Emergency Preparedness shall review the HHA's plan by utilizing community wide resources.

E. As a result of an evacuation order issued by the parish Office of Emergency Preparedness (OEP), it may be necessary for an HHA to temporarily relocate outside of its licensed geographic service area. In such a case, the agency may request a waiver to operate outside of its licensed location for a time period not to exceed 90 days in order to provide needed services to its patients and/or other evacuees of the affected areas. The agency shall provide documentation as required by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2249 (December 2001), LR 32:846 (May

2006), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1838 (July 2022).

§9123. Patient Care Standards

A. Admission Criteria. The HHA shall follow written policies in making decisions regarding the acceptance of patients for care. Decisions shall be based upon medical and social information provided by the patient's attending authorized healthcare provider, and the patient and/or the family as well as the agency resources available to meet the needs of potential patients. The HHA shall accept patients for care without regard to age, color, creed, sex, national origin or handicap. Patients shall be admitted to an agency based on the following written criteria:

1. the ability of the agency and its resources to provide services on a timely basis and available within 24 hours unless specified otherwise by authorized healthcare provider's orders and in accordance with the needs of the patients;

2. the willingness of the patient and caregiver to participate in the POC;

3. - 4. ...

B. Admission Procedure. Patients are to be admitted only upon the order of the patient's authorized healthcare provider. The patient shall have the right to choose an authorized healthcare provider and an HHA without interference. Admission procedures are as follows:

1. an initial visit shall be made by an RN or an appropriate therapist who shall perform the assessment and instruct the patient regarding home care services. This visit shall be made available to an individual in need within 24 hours of referral unless otherwise ordered by an authorized healthcare provider;

2. an initial POC shall be completed by an RN or an appropriate therapist and incorporated into the patient's clinical record within seven days from the start of care; and

3. documentation shall be obtained at admission and retained in the clinical record including:

a. the referral for home care and/or authorized healthcare provider's order to assess patient;

b. - m. ...

C. Plan of Care. The POC for each patient shall be individualized to address the patient's problems, goals, and required services.

1. The POC, telephone and/or verbal orders shall be signed by the authorized healthcare provider within a timely manner, not to exceed 60 days; such orders may be accepted by an RN, a qualified therapist or a licensed practical nurse as authorized by state and federal laws and regulations.

a. - b. Repealed.

2. Agency staff shall administer services and treatments only as ordered by the authorized healthcare provider.

3. A POC for continuation of services shall be completed by an RN or an appropriate therapist and incorporated into the patient's clinical record within seven days from the date of the development of the POC.

D. Review of the Plan of Care. The total POC shall be reviewed by the patient's attending authorized healthcare provider in consultation with the agency's professional personnel at such intervals as required by the severity of the patient's illness, but at least once every two months.

E. Drugs and Biologicals. The agency shall institute procedures that protect the patient from medication errors. Agency policy and procedures shall be established to ensure that agency staff has adequate information regarding the drugs and treatments ordered for the patient.

1. Agency staff shall only administer drugs and treatments as ordered by the authorized healthcare provider.

2. Only medications dispensed, compounded or mixed by a licensed pharmacist and properly labeled with the drug name, dosage, frequency of administration and the name of the prescribing authorized healthcare provider shall be administered.

3. The agency shall provide verbal and written instruction to patient and family as indicated.

F. Coordination of Services. Patient care goals and interventions shall be coordinated in conjunction with providers, patients and/or caregivers to ensure appropriate continuity of care from admission through discharge.

1. All agencies shall provide for nursing services at least eight hours a day, five days a week and be available on emergency basis 24 hours a day, seven days a week. Agencies shall maintain an on-call schedule for RNs.

2. The agency shall maintain a system of communication and integration of services, whether provided directly or under arrangement, that ensures identification of patient needs and barriers to care, the ongoing coordination of all disciplines providing care, and contact with the authorized healthcare provider regarding relevant medical issues.

G. Discharge Policy and Procedures

1. The patient may be discharged from an agency when any of the following occur:

a. - e. ...

f. conditions in the home are no longer safe for the patient or agency personnel. The agency shall make every effort to satisfactorily resolve problems before discharging the patient and, if the home is unsafe, make referrals to appropriate protective agencies;

g. the patient's authorized healthcare provider fails to renew orders for the patient;

h. - j. ...

k. 30 days advance written notice has been provided to the patient, or responsible party, when applicable and appropriate; and

l. death of the patient.

2. The agency shall have discharge procedures that include, but are not limited to:

a. notification of the patient's authorized healthcare provider;

b. - c. ...

d. forwarding of the discharge summary to the authorized healthcare provider.

3. The following procedures shall be followed in the event of the death of a patient in the home:

a. ...

b. the HHA parent office shall be notified;

c. the HHA personnel in attendance shall offer whatever assistance they can to the family and others present in the home; and

d. progress notes shall be completed in detail and shall include observations of the patient, any treatment

provided, individuals notified, and time of death, if established by the authorized healthcare provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2249 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1839 (July 2022).

§9125. Patient Rights

A. The patient, or representative if appropriate, shall be informed of the patient's rights in receiving home care services in a language and manner the individual understands. The patient has the right to exercise his/her rights as a patient of the HHA. If the patient has been judged incompetent, the family or guardian may exercise the patient's rights. The agency shall protect and promote the exercise of these rights. The patient has the right to:

1. have his or her property and person treated with respect;

2. be free from verbal, mental, sexual, and physical abuse, including injuries of unknown source, neglect and misappropriation of property;

a. - d. Repealed.

3. make complaints to the HHA regarding treatment or care that is (or fails to be) furnished, and the lack of respect for property and/or person by anyone who is furnishing services on behalf of the HHA;

a. Repealed.

4. participate in, be informed about, and consent or refuse care in advance of and during treatment, where appropriate, with respect to:

a. completion of all assessments;

b. the care to be furnished, based on the comprehensive assessment;

c. establishing and revising the POC;

d. the disciplines that will furnish the care;

e. the frequency of visits;

f. expected outcomes of care, including patient-identified goals, and anticipated risks and benefits;

g. any factors that could impact treatment effectiveness; and

h. any changes in the care to be furnished.

5. receive all services outlined in the POC;

a. - b.i. Repealed.

6. have a confidential clinical record;

7. be advised, orally and in writing, of:

a. the extent to which payment for HHA services may be expected from Medicare, Medicaid, or any other federally-funded or federal aid program known to the HHA;

b. the charges for services that may not be covered by Medicare, Medicaid, or any other federally-funded or federal aid program known to the HHA;

c. the charges the individual may have to pay before care is initiated; and

d. any changes in the information provided in accordance with §9125.A.7 when they occur. The HHA shall advise the patient and representative (if any), of these changes as soon as possible, in advance of the next home health visit.

8. receive proper written notice, in advance of a specific service being furnished, if the HHA believes that the service may be non-covered care, or in advance of the HHA reducing or terminating on-going care;

9. be advised of the state toll-free home health telephone hot line, its contact information, its hours of operation, and that its purpose is to receive complaints or questions about local HHAs;

10. be advised of the names, addresses, and telephone numbers of the following federally-funded and state-funded entities that serve the area where the patient resides:

a. agency on aging

b. center for independent living;

c. protection and advocacy agency;

d. aging and disability resource center; and

e. quality improvement organization.

11. be free from any discrimination or reprisal for exercising his or her rights or for voicing grievances to the HHA or an outside entity;

12. be informed of the right to access auxiliary aids and language services and how to access these service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21: 177 (February 1995), LR 27:2251 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1840 (July 2022).

§9127. Contract Services

A. ...

1. Contract Requirements. Whenever services are provided by an outside agency or individual, there shall be a written contract. The contract shall include each of the following items:

a. - b. ...

c. a statement that services provided to the patient are in accordance with a POC established by the patient's authorized healthcare provider in conjunction with the HHA staff and, when appropriate, others involved in the patient's care;

d. a statement that services are being provided within the scope and limitations set forth in the POC, and may not be altered in type, scope, or duration by the contractor;

e. assurance that the contractor meets the same requirements as those specified for HHA personnel such as staff qualifications, functions, evaluations, orientation and in-service training. The agency shall be responsible for assuring the contractor's compliance with the personnel policies required for an HHA during the contractual period;

f. - h. ...

B. Contract Review. The HHA and contractor shall document review of their contract on an annual basis.

C. Coordination of Contract Services. The HHA shall coordinate services with contract personnel to assure continuity of patient care.

NOTE: Administration and one other service shall be provided directly by the agency at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2251 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1840 (July 2022).

§9129. Clinical Records

A. Requirements. A clinical record containing past and current findings shall be maintained either electronically or in paper form for every patient who is accepted by the agency for home health service and shall be accessible to authorized agency staff as needed. In addition, the agency shall comply with the following requirements for clinical records.

1. The information contained in the clinical record shall be accurate and immediately available to the patient's authorized healthcare provider and appropriate HHA staff. The record may be maintained electronically.

2. All entries shall be legible, clear, complete, and appropriately authenticated and dated. Authentication shall include signatures or a secured computer entry with the unique identifier of a primary author who has reviewed and approved the entry.

3. The original clinical records of active patients may be kept in the branch office for the convenience of the staff providing services. The records of patients whose services are provided by parent office staff shall be kept in that office.

4. ...

5. A signed consent for treatment form shall be obtained from the patient and/or the patient's family and retained in the record.

6. When applicable, a signed release of information form shall be obtained from the patient and/or the patient's family and a copy shall be retained in the record.

7. Records maintained either in paper or electronically shall be made available to LDH staff upon request.

8. Records shall be retained either electronically or in paper form for a period of not less than six years from the date on which the record was established and, if there is an audit or litigation that involves the records, the timeframe may be extended.

9. The agency shall have internal policies that provide for the retention of clinical records even if the agency discontinues operation.

10. Repealed.

11. Repealed.

B. Clinical Note. A clinical note shall be legibly written by the person making the visit and incorporated into the clinical record within one week of the visit. A patient care clinical note shall be completed on each visit and shall contain the following, at a minimum:

1. - 5. ...

6. vital signs, according to authorized healthcare provider's order or accepted standards of practice; and

7. ...

NOTE: The patient or a responsible person shall sign the permanent record of visit that is retained by the agency. However, it is not necessary for the patient or a responsible person to sign on the clinical note.

C. Clinical Record Contents. An active clinical record shall contain all of the following documentation:

1. ...

2. the current POC signed and dated by the authorized healthcare provider.

3. ...

4. the current clinical notes for at least the past 60 days, including a description of measurable outcomes relative to the goals in the POC that have been achieved;

5. - 6. ...

7. attending authorized healthcare provider data, including:

a. - c. ...

8. the diagnoses, including all conditions relevant to the current POC;

9. - 16. ...

17. when applicable, a copy of the transfer form that was forwarded to the appropriate health care facility that shall be assuming responsibility for the patient's care; and

18. the discharge summary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), amended LR 22:1135 (November 1996), LR 27:2252 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1841 (July 2022).

§9131. Quality Assessment and Performance

Improvement

A. The HHA shall develop, implement, evaluate, and maintain an effective, ongoing, HHA-wide, data-drive quarterly quality assessment and performance improvement (QAPI) program. The HHA's governing body shall ensure that the program reflects the complexity of its organization and services; involves all HHA services (including those services provided under contract or arrangement); focuses on indicators related to improved outcomes and takes actions that address the HHA's performance across the spectrum of care.

B. The HHA shall maintain documentary evidence of quarterly QAPI activities and be able to demonstrate its operation. The evaluation shall consist of an overall policy and administrative review and a quarterly clinical record review. The evaluation shall assess the extent to which the agency's program is appropriate, adequate, effective, and efficient. The results of the quarterly QAPI evaluation shall be reported to the governing body which is legally responsible for the operation of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2253 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1841 (July 2022).

Dr. Courtney N. Phillips
Secretary

2207#023

RULE

**Department of Health
Bureau of Health Services Financing**

**Outpatient Hospital Services
(LAC 50:V.Subpart 5)**

The Department of Health, Bureau of Health Services Financing has amended LAC 50:V.Subpart 5 and repealed the following uncodified Rules in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act:

Register Date	Title	Register Volume, Number	Page Number
August 20, 1983	Change in Limits for Outpatient Hospital Services	Volume 9, Number 8	551
August 20, 1983	Discontinuance of Reimbursement to Emergency Access Hospitals	Volume 9, Number 8	552
December 20, 1985	MAP Outpatient Surgeries	Volume 11, Number 12	1147
November 20, 2000	Outpatient Hospital Services - Medicare Part B Claims	Volume 26, Number 11	2622
July 20, 2003	Outpatient Hospital Laboratory Services	Volume 29, Number 7	1096
December 20, 2003	Hospital Program - Out-of-State Hospitals - Outpatient Services - Reimbursement Reduction	Volume 29, Number 12	2802
December 20, 2004	Hospital Program - Outpatient Surgery Services - HIPAA Implementation	Volume 30, Number 12	2830
February 20, 2007	Hospital Licensing Standards	Volume 33, Number 2	284

This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 53. Outpatient Surgery

Subchapter A. General Provisions

§5301. Payment for Outpatient Surgery Services

A. Payment for outpatient surgery services is a flat rate in accordance with the published fee schedule. The flat rate payment covers all services provided during the outpatient surgical admission. There shall be no cost settlement for outpatient surgery services except for the specific hospital types identified in Subchapter B of this Chapter.

1. Effective for dates of service on or after February 10, 2022, the Medicaid Program shall provide reimbursement for Coronavirus Disease 2019 laboratory testing in addition to the outpatient surgery fee schedule flat fee reimbursement amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1842 (July 2022).

Subchapter B. Reimbursement Methodology

§5313. Non-Rural, Non-State Hospitals

A. - D. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

E. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

F. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

G. - M.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), LR 36:2041 (September 2010), LR 37:3266 (November 2011), LR 40:313 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:964 (May 2017), LR 43:2534 (December 2017), LR 44:2166 (December 2018), LR 45:1773 (December 2019), LR 46:1685 (December 2020), LR 48:1842 (July 2022).

Chapter 55. Clinic Services

Subchapter A. General Provisions

§5501. Payment for Outpatient Hospital Clinic Services

A. Payment for outpatient hospital clinic services is a flat rate in accordance with the published fee schedule. There shall be no cost settlement for outpatient clinic services except for the specific hospital types identified in Subchapter B of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1842 (July 2022).

Subchapter B. Reimbursement Methodology

§5513. Non-Rural, Non-State Hospitals

A. - D. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

E. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

F. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

G. - L.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), LR

36:2042 (September 2010), LR 37:3266 (November 2011), LR 40:313 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:965 (May 2017), LR 43:2535 (December 2017), LR 44:2167 (December 2018), LR 45:1773 (December 2019), LR 48:1842 (July 2022).

Chapter 57. Laboratory Services

Subchapter A. General Provisions

§5701. Payment for Outpatient Hospital Laboratory Services

A. Payment for outpatient hospital laboratory services is a flat rate in accordance with the published fee schedule. There shall be no cost settlement for outpatient laboratory services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1843 (July 2022).

Subchapter B. Reimbursement Methodology

§5713. Non-Rural, Non-State Hospitals

A. - D. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

E. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

F. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

G. - L.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), LR 36:2042 (September 2010), LR 37:3266 (November 2011), LR 40:313 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:965 (May 2017), LR 43:2535 (December 2017), LR 44:2167 (December 2018), LR 45:1773 (December 2019), LR 48:1843 (July 2022).

Chapter 59. Rehabilitation Services

Subchapter A. General Provisions

§5901. Payment for Outpatient Hospital Rehabilitation Services

A. Payment for outpatient hospital rehabilitation services is a flat rate in accordance with the published fee schedule. There shall be no cost settlement for outpatient rehabilitation services except for the specific hospital types identified in Subchapter B of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1843 (July 2022).

Chapter 61. Other Outpatient Hospital Services

Subchapter A. General Provisions

§6101. Payment for Other Outpatient Hospital Services

A. Interim payment for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgery services, rehabilitation services, and outpatient hospital clinic services shall be at a hospital-specific cost to charge ratio. Final payment shall be a percentage of cost amount as detailed for each type of hospital in Subchapter B of this Chapter. The percentage shall be applied to cost for

these services as calculated based on the finalized cost report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1843 (July 2022).

Subchapter B. Reimbursement Methodology

§6115. Non-Rural, Non-State Hospitals

A. - D. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

E. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

F. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

G. - L.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), LR 36:2043 (September 2010), LR 37:3267 (November 2011), LR 40:314 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:965 (May 2017), LR 43:2535 (December 2017), LR 44:2168 (December 2018), LR 45:1774 (December 2019), LR 48:1843 (July 2022).

Chapter 69. Out-of-State Hospitals

Subchapter A. Reserved

Subchapter B. Reimbursement

§6915. Reimbursement Methodology

A. Reimbursement for all Louisiana Medicaid recipients who receive outpatient services in an out-of-state hospital, including those recipients up to the age of 21, shall be calculated as follows:

1. Outpatient services provided in out-of-state hospitals that are subject to a fee schedule in-state shall be paid at the fee schedule amounts utilized for in-state non-rural, non-state hospitals.

2. Outpatient services provided in out-of-state hospitals that are not subject to a fee schedule in-state shall be paid at the annual average cost to charge ratio calculated from the filed Medicaid cost reports for in-state non-rural, non-state hospitals multiplied by the percent of allowable cost as specified in §6115 that is in effect for the applicable time period for in-state non-rural, non-state hospitals. This ratio shall be applied to the billed charges for covered claims submitted by out-of-state hospitals to determine payment for non-fee schedule services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1843 (July 2022).

Chapter 71. Medicare Part B Claims for Medicaid Eligible Recipients

Subchapter A. Reserved

Subchapter B. Reimbursement

§7115. Reimbursement Methodology

A. To determine the amount that Medicaid will reimburse on a claim for a Medicaid recipient who is also eligible for Medicare Part B, the Medicare claim payment is

compared to the Medicaid rate on file for the revenue or procedure codes on the Medicare Part B claims for outpatient hospital services. If the Medicare payment exceeds the Medicaid rate, the claim is adjudicated as a paid claim with a zero payment. If the Medicaid rate exceeds the Medicare payment, the claim is reimbursed at the lesser of the co-insurance and deductible or up to the Medicaid maximum payment. If the Medicaid payment is reduced or eliminated as a result of the Medicare/Medicaid payment comparison, the amount of the Medicare payment plus the amount of the Medicaid payment, if any, shall be considered to be payment in full for the service.

B. The recipient does not have any legal liability to make payment for the service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1843 (July 2022).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips
Secretary

2207#024

RULE

Department of Health Office of Public Health

Marine and Fresh Water Animal Food Products
(LAC 51:IX.101, 123, 125, 127, 129, 133, 135,
141, 143, 145, 147, 149, 303, 311, 313, 330,
331, 339, 343, 501, 503, 505, 507 and 509)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH/OPH), has amended certain Sections of Chapters 1 and 3 of Part IX (Marine and Fresh Water Animal Food Products) of Title 51 (Public Health—Sanitary Code). In addition, Chapter 5 is proposed to be promulgated as an addition to this Part to address the regulation of molluscan shellfish aquaculture. This Rule is hereby adopted on the day of promulgation.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part IX. Marine and Fresh Water Animal Food Products

Chapter 1. Shellfish Growing Areas

§101. Definitions

[formerly paragraph 9:001]

A. ...

Adverse Pollution Conditions—a state or situation caused by meteorological, hydrological, or seasonal events or point source discharges that has historically resulted in elevate fecal coliform levels in a particular growing area.

Approved Area—the classification of a Louisiana shellfish growing area which has been approved by the state health officer with the assistance of the secretary of the Department of Wildlife and Fisheries for growing or harvesting shellfish for direct marketing. The classification of an approved area is determined through a sanitary survey conducted by the Department of Health in accordance with the guidelines set out in this rule and as hereafter amended and duly promulgated. An approved shellfish growing area may be temporarily made a closed area when a public health emergency resulting from, for instance a hurricane or flooding, is declared by the state health officer.

Aquaculture—cultivating shellfish in controlled conditions for human consumption. Cultivation includes propagation and growing of shellfish. These activities may occur in natural or man-made water bodies. These activities include seed collection, production, and cultivation in natural water bodies when shellfish are held off the bottom such as the use of racks, bags, or cages, and when shellfish are held in man-made water bodies such as the use of tanks, ponds, or raceways. These activities do not include depuration or wet storage.

* * *

Central Laboratory, in New Orleans, Public Health Laboratory for the State—Repealed.

* * *

Certified Laboratory—a laboratory conducting analysis for the Louisiana Molluscan Shellfish Program that has received a satisfactory rating during an on-site evaluation by the shellfish evaluation officer for the state of Louisiana or the federal Food and Drug Administration (FDA) evaluation officer. The purpose of the evaluation will be to assure the uniform application of standard procedures and methods in the sampling and analytical examination of shellfish growing waters and to determine and assure the adequacy of facilities, equipment, and personnel to perform analytical testing necessary to meet the requirements recommended by the National Shellfish Sanitation Program and found to be acceptable by the Louisiana Molluscan Shellfish Program. This evaluation only certifies that the laboratory facility and its staff meet the specifications of the National Shellfish Sanitation Program at the time of the evaluation.

* * *

Cull—to remove dead or unsafe shellstock from a lot of shellstock.

* * *

Department—the Louisiana Department of Health, Office of Public Health.

* * *

FDA Evaluation Officer—Repealed.

* * *

Habitable Structure—any structure capable of giving shelter from the environment and producing sewage waste.

Harvest—the act of removing shellstock from growing areas and its placement on or in a manmade conveyance or other means of transport.

Harvest Area—an area that contains commercial quantities of shellstock and may include aquaculture sites and facilities.

* * *

Hazard Analysis Critical Control Point (HACCP)—a systematic, science-based approach used in food production as a means to assure food safety. The concept is built upon the seven principles identified by the National Advisory Committee on Microbiological Criteria for Foods (1992).

Hazard Analysis Critical Control Point Plan—a written document that delineates the formal procedures that a dealer follows to implement the HACCP requirements set forth in 21 Code of Federal Regulations (CFR) 123.6 as adopted by the Interstate Shellfish Sanitation Conference.

* * *

In-Shell Product—nonliving, processed shellfish with one or both shells present.

* * *

Interstate Shellfish Sanitation Conference (ISCC)—the organization which consists of agencies from shellfish producing and receiving states, FDA, the shellfish industry, NOAA, and the Environmental Protection Agency (EPA). The ISCC provides the formal structure wherein state regulatory authorities, with FDA concurrence, can establish updated guidelines and procedures for sanitary control of the shellfish industry.

Laboratory Evaluation Officer (LEO)—a person from either a state, federal or foreign authority that has met the personnel training requirements for implementing the NSSP.

Louisiana Molluscan Shellfish Laboratory System—all laboratories that have been successfully evaluated during an on-site evaluation by the Laboratory Evaluation Officer for the state of Louisiana and have been consequently officially designated as a shellfish sanitation laboratory for the Louisiana Molluscan Shellfish Sanitation Program.

Louisiana State Shellfish Sanitation Program, Oyster Water Monitoring Program—Repealed.

Marina—any water area with a structure (docks, basin, floating docks, etc) which is used for docking and constructed to provide temporary or permanent docking space for more than 10 boats.

* * *

Marine Biotoxin—any poisonous compound produced by marine microorganisms and accumulated by shellstock. Examples include toxins produced by *Alexandrium spp* [*Protogonyaulax* species] and *Karenia brevis*.

Molluscan Shellfish Program—the program which regulates and monitors the growing, harvesting, handling and shipping of shellfish in the state of Louisiana. The program is with the Louisiana Department of Health, Office of Public Health, Sanitation Services Section.

* * *

Narrative Report—a report submitted by the shellfish evaluation officer for the state of Louisiana or the FDA evaluation officer following an on-site evaluation. The report shall include the identity of the laboratory, the date of evaluation, name of evaluator, information on personnel and procedures and conclusions and shall precisely and accurately describe the conditions which existed during the evaluation, including what recommendations were made to correct deficiencies and proposed timetable for any corrective action necessary to bring the laboratory into substantial conformity with the requirements of the National Shellfish Sanitation Program (NSSP) as approved by the Louisiana Molluscan Shellfish Program.

National Shellfish Sanitation Program (NSSP)—the cooperative State-FDA-Industry program for the certification of interstate shellfish shippers as described in the National Shellfish Sanitation Program for the Control of Molluscan Shellfish. The National Shellfish Sanitation Program for the Control of Molluscan Shellfish guide may be obtained from the Interstate Shellfish Sanitation Conference.

On-Site Evaluation—inspection of a laboratory and all appropriate personnel at the physical laboratory site by the Laboratory Evaluation Officer for the purpose of conducting evaluation according to the NSSP Guide for the Control of Molluscan Shellfish.

* * *

Open Water Aquaculture—the cultivation of bivalve shellfish in natural shellfish growing areas.

* * *

Poisonous or Deleterious Substance—a toxic substance occurring naturally or added to the environment for which a regulatory tolerance limit or action level has been established in shellfish to protect public health.

Pollution—the contamination of the shellfish waters by the discharge of microbiological substances into these waters (chemicals, bacterial, or biotoxins).

Post-Harvest Processing (PHP)—any process which has been validated using NSSP validation procedures which reduces levels of pathogenic hazards to below the appropriate FDA action level or in absence of such a level, below the appropriate level as determined by the ISCC.

Processing—any activity associated with the handling, shucking, freezing, packing, labeling or storing of shellfish in preparation for distribution. This would include the activities of a shellstock shipper, shucker packer, repacker, reshipper, or depuration processor.

Prohibited Area—Louisiana waters that have been classified by the state health officer as prohibited for the harvesting of shellfish for any purpose except depletion and production of seed for aquaculture. A prohibited shellfish growing area is a closed area for the harvesting of shellfish at all times. Harvesting of shellfish from a closed area may result in criminal charges pursuant to R.S. 56:424.

* * *

Restricted Area—a classification used to identify a growing area where harvesting shall be by special permit and the shellstock, following harvest, is subjected to a suitable and effective treatment process.

Sanitary Survey—the written evaluation report of all environmental factors, including actual and potential pollution sources, which have a bearing on shellfish growing area water quality.

* * *

Satisfactory Rating—Repealed.

* * *

Seed—shellstock which is less than market size.

* * *

Shellfish Evaluation Officer for the State of Louisiana—state health officer or his/her designee approved by letter by the federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch to conduct on-site evaluations of

laboratories deserving official recognition as a member of the shellfish sanitation laboratory system other than the Certified Laboratory i. Official approval is based upon the individual meeting the requirements of Shellfish Sanitation Interpretation S.S. 35 entitled "Evaluation of Laboratories by State Shellfish Laboratory Evaluation Officers."

* * *

Worst Pollution Conditions—Repealed.

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258.B, with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4.A(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1289 (June 2002), amended LR 28:1591 (July 2002), LR 31:2895 (November 2005), LR 34:2175 (October 2008); amended by the Department of Health, Office of Public Health, LR 48:1844 (July 2022).

§103. Harvesting and/or Sales Shellfish—In Open Status

[formerly paragraph 9:002-1]

A. No shellfish shall be harvested and/or sold in the state of Louisiana for food unless taken from areas sanctioned by the state health officer, or if taken from sources outside of the state, from areas sanctioned by the state authorities having jurisdiction, and unless secured from shellfish dealers whose state certifications have been endorsed by the United States Food and Drug Administration, Public Health Service for interstate shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1291 (June 2002); repromulgated by the Department of Health, Office of Public Health, LR 48:1846 (July 2022).

§105. Sanitary Surveys of Growing Areas—Satisfactory Compliance
[formerly paragraph 9:002-2]

A. ...

1. Before an area is classified as approved, conditionally approved, or restricted, a sanitary survey shall be completed. The survey is a report completed prior to allowing harvesting from the area.

2. Each sanitary survey report shall identify and evaluate all actual and potential sources of pollution which may affect the growing area; determine the distance of such sources to the growing area; assess the effectiveness and reliability of sewage treatment systems; and ascertain the presence of poisonous or deleterious substances, e.g., industrial, and agricultural wastes, pesticides or radionuclides. The presence and location of small sources of pollution such as boats which might contribute direct fresh fecal matter and poisonous or deleterious substances to the area shall be evaluated. The presence of domestic, wild animal, or migrating bird populations shall be considered for possible adverse effects upon water quality. Offshore growing areas located in the vicinity of ocean dump sites shall be evaluated for biological and chemical wastes and radiological materials. Other environmental health factors that may affect the quality of the shellfish resources should also be evaluated in the sanitary survey report.

3. Each sanitary survey report shall evaluate any meteorological and hydrodynamic effects and geographic characteristics that may affect the distribution of pollutants over the growing area. These factors shall be assessed to determine their maximum effect on water quality.

4. Each sanitary survey report shall include the collection of growing area water samples and their analysis for bacteriological quality. The number and location of sampling stations selected shall be adequate to produce the data necessary to effectively evaluate all point and non-point pollution sources. Recommended that sampling stations shall be established to evaluate all freshwater discharges into the growing area. The collection of samples shall form a profile reflecting adverse meteorological, hydrographic, seasonal, and point source, and geographic pollution conditions to assure the requirements for classifying growing areas as approved (§109), conditionally approved (§111), or restricted (§113) are met.

5. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1292 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1846 (July 2022).

§107. Classification of Growing Areas—Satisfactory Compliance
[formerly paragraph 9:002-3]

A. This item will be satisfied when:

1. all actual and potential shellfish growing areas in the state of Louisiana are correctly designated with one of the following classifications on the basis of sanitary survey information: approved, conditionally approved, restricted or prohibited. Unclassified areas are managed as prohibited;

2. an area classified as prohibited will be established adjacent to all identified actual or potential pollution discharges, including sewage treatment plants outfall, which have a direct or indirect impact and, which have been determined to be of a significant nature in the growing area;

a. the determination of the size of the area to be classified as prohibited adjacent to each outfall shall include the following minimum criteria:

i. the volume flow rate, location of discharge, performance of the wastewater treatment plant and microbial quality of the effluent;

ii. the decay rate of the contaminants of public health significance in the wastewater discharge;

iii. the wastewater's dispersion and dilution, and the time of waste transport to the area where shellstock may be harvested; and

iv. the location of shellstock resources, classification of adjacent waters and identifiable landmarks and boundaries.

3. an upward revision of an area classification shall be supported by an adequate sanitary survey report. This report shall include a written analysis of the data and shall be part of the growing area central file. The reopening of an area temporarily closed because of an emergency, the failure to meet the performance standards for a conditional area, or the presence of biotoxins shall be supported by appropriate data showing that the original classification criteria are met, and

documented by a written record in the central file of the Molluscan Shellfish Program, Office of Public Health, Department of Health;

4. maps showing the boundaries and classification of each shellfish growing area are maintained in the central file by the Molluscan Shellfish Program, Office of Public Health, Department of Health;

5. maps showing the boundaries and status (opened or closed) of each shellfish growing area are posted at designated locations. These locations are listed in the *Louisiana Register*, Vol. 13, pages 413-415.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1292 (June 2002), LR 48:1846 (July 2022).

§109. Approved Areas—Satisfactory Compliance [formerly paragraph 9:002-4]

A. ...

1. Results of sampling under adverse pollution conditions indicate that the fecal coliform median or geometric mean MPN of the water does not exceed 14 per 100 ml and not more than 10 percent of the samples exceed an MPN of 43 for a five-tube dilution test (or an MPN of 49 per 100 ml for a three-tube decimal dilution test);

2. Sanitary Survey Report, as required in §§105 and 107, are on file with the Molluscan Shellfish Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1293 (June 2002), LR 48:1847 (July 2022).

§111. Conditionally Approved Areas—Satisfactory Compliance [formerly paragraph 9:002-5]

A. - A.1. ...

2. a current sanitary survey is on file with the Molluscan Shellfish Program;

3. - 4. ...

5. statistical analysis shows the factor(s) to be a significant contributor to the microbiological pollution event.

B. - D. ...

E. Reevaluation of Conditional Classification

1. The classification shall be reevaluated at least once each year. The reevaluation shall include:

a. evaluation of compliance with the management plan;

b. determination of adequacy of reporting of failure to meet performance standards;

c. review of cooperation of all parties involved;

d. evaluation of water quality in the growing area with respect to the bacteriological standards for its classification;

e. field inspection of critical pollution sources, where necessary; and

f. written findings, evaluations, and recommendations.

F. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1293 (June 2002), LR 48:1847 (July 2022).

§113. Restricted Area—Satisfactory Compliance [formerly paragraph 9:002-6]

A. An area may be classified as restricted when a sanitary survey indicates a limited degree of pollution. This option may arise when levels of fecal pollution or poisonous or deleterious substances are low enough that relaying will make the shellfish safe to market. This item will be satisfied when the following criteria are met in areas designated as restricted.

1. ...

2. The area is not so contaminated with fecal material, poisonous or deleterious substances that consumption of the shellfish might be hazardous after relaying. Verification of these findings shall be done by a laboratory found to conform by a laboratory evaluation officer.

3. For restricted areas to be used for harvest of shellfish for controlled purification the bacteriological quality of every sampling station in those portions of the area exposed to fecal contamination during adverse pollution conditions shall meet one of the following standards.

a. - b. ...

4. Shellfish quality specifications are established by the Louisiana state health officer for the use in classifying areas. These specifications are based on the data obtained from surveys, water samples and product samples taken from the potential restricted area. With this information the Louisiana state health officer may evaluate the bacteriological and chemical quality of the shellfish and determine whether the shellfish may be used for relaying.

5. ...

6. All data, criteria, and protocols relating to the operation of a restricted area including survey reports, treatment effectiveness studies, classification criteria, harvesting permits, and harvesting control records are maintained in a central file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1294 (June 2002), LR 48:1847 (July 2022).

§115. Prohibited Areas—Satisfactory Compliance [formerly paragraph 9:002-7]

A. Louisiana state shellfish growing water areas shall be classified as prohibited if:

1. no current sanitary survey exists; or

2. sanitary survey determines

a. the growing area is adjacent to a sewage treatment plant outfall or other point source of outfall with public health significance;

b. pollution sources may unpredictably contaminate the growing area;

c. the growing area is contaminated with fecal waste so that the shellfish may be vectors for disease microorganisms;

d. the concentration of biotoxin is sufficient to cause a public health risk; or

e. the area is contaminated with poisonous or deleterious substances cause the shellfish to be adulterated;

or

3. risk assessment determines shellstock are not safe for human consumption; or

4. wastewater discharges are adjacent to sewage treatment plant outfall or any other point source outfall of public health significance. The determination of the size of the area to be classified as prohibited adjacent to each outfall shall include the following:

a. the volume flow rate, location of discharge, performance of the wastewater treatment plant and the microbiological quality of the effluent;

b. the decay rate of the contaminants of public health significance in the wastewater discharged;

c. the wastewater's dispersion and dilution, and the time of waste transport to the area where shellstock may be harvested; and

d. the location of the shellfish resources, classification of adjacent waters and identifiable landmarks or boundaries.

B. No shellfish shall be taken from prohibited areas for human food use unless it is seed to be cultured in accordance with aquaculture requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health Office of Public Health, LR 28:1294 (June 2002), LR 48:1847 (July 2022).

§123. Procedure for the Analysis of Shellfish Growing Waters

[formerly paragraph 9:002-11]

A. Analysis of shellfish growing waters for the Louisiana Molluscan Shellfish Program shall be performed by a laboratory officially designated as part of the Louisiana shellfish sanitation laboratory system. Procedures and methods for analysis of shellfish growing water shall conform to criteria stipulated in the 4th edition of American Public Health Association (APHA) Recommended Procedures for the Examination of Sea Water and Shellfish published August 29, 2011, and appropriate sections in Official Methods of Analysis, 21st Edition, published in 2019, of the Association of Official Analytical Chemists (A.O.A.C.).

1. Microbiological examinations shall be conducted as follows: Appropriate dilutions shall be made with Butterfield's buffered phosphate diluent. Shake the sample and each successive dilution bottle 25 times vigorously using up and down movements of about 30 cm in seven seconds. Inoculate the water sample directly into tubes containing A-1 medium in suitable decimal dilutions using three or five tubes/dilution and a minimum of three dilutions. Place inoculated tubes into air incubator and incubate three hours plus/minus 0.5 hour at 35° plus/minus 0.5°C Centrigade (C). Transfer tubes to water bath and incubate 21 plus/minus two hours at 44.5° plus/minus 0.2°C. Maintain the water level above the level of liquid in the inoculated tubes. Examine the inoculated tubes at the end of this period and record the results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1296 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1848 (July 2022).

§125. Determination of Results, Records and Data Reporting

[formerly paragraph 9:002-12]

A. Test result data for use by the Louisiana Molluscan Shellfish Program shall be generated by an officially designated laboratory of the Louisiana molluscan shellfish sanitation laboratory system.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1296 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1848 (July 2022).

§127. Qualification for Laboratories Conducting Analysis of Shellfish Growing Waters for the Louisiana Molluscan Shellfish Program

[formerly paragraph 9:002-13]

A. Laboratories conducting microbiological analysis of shellfish growing waters for the Louisiana Molluscan Shellfish Program shall be officially designated as part of the Louisiana state shellfish sanitation laboratory system. To be so designated, laboratories shall be evaluated by the Laboratory Evaluation Officer and shall maintain a satisfactory rating.

1. The Certified Laboratory shall be evaluated by the FDA Laboratory Evaluation Officer, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Division of Seafood Safety, Shellfish Aquaculture and Policy Branch.

B. - B.4. ...

5. at the request of the FDA, Director, Shellfish and Aquaculture Policy Branch or the Louisiana Molluscan Shellfish Program control authorities.

C. - H.10. ...

11. In laboratories where there is more than one analyst, analysts shall make parallel analyses on at least one positive sample quarterly.

12. ...

13. Glass/mercury thermometer calibration should be checked annually against a reference National Institute of Standards and Technology (NIST) thermometer or one which meets the requirements of NIST monograph 150, 2020 edition, published August 2020.

14. - 17. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1297 (June 2002), amended by the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, LR 34:445 (March 2008); amended by the Department of Health, Office of Public Health, LR 48:1848 (July 2022).

§129. Qualification for Personnel Conducting Analysis of Shellfish Growing Waters [formerly paragraph 9:002-14]

A. ...

1. Analysts in the Certified Laboratory in Baton Rouge shall be evaluated by the FDA Laboratory Evaluation Officer, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Division of Seafood Safety, Shellfish Aquaculture and Policy Branch.

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1298 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1849 (July 2022).

§131. Qualifications, Requirements for Laboratory Evaluation Officer for the State of Louisiana [formerly Paragraph 9:002-15]

A. The shellfish evaluation officer for the state of Louisiana shall be designated by letter by the Federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Division of Seafood Safety, Shellfish Aquaculture and Policy Branch. Designation is based upon meeting the requirements of the NSSP Guide Guidance document.

1. The individual shall be administratively attached to a Louisiana Molluscan Shellfish Laboratory which has been found by the FDA to conform or provisionally conform with the National Shellfish Sanitation Program (NSSP).

2. ...

3. If deemed necessary by an FDA laboratory evaluation officer, the individual shall conduct several laboratory evaluations jointly with FDA Shellfish and Aquaculture Policy Branch laboratory evaluation officers.

4. During a joint on-site evaluation with an FDA laboratory evaluation officer, the individual shall demonstrate competence in evaluating analysts' performance of the applicable shellfish laboratory test methods in the 4th edition of the APHA Recommended Procedures for the Examination of Sea Water and Shellfish and the Official Methods of Analysis of the Association of Official Analytical Chemists (A.O.A.C). The evaluation will be recorded on the FDA Evaluation Laboratory Checklist.

5. The individual shall submit a written report to all evaluations conducted to the FDA Division of Cooperative Programs, Shellfish Sanitation Branch with a copy to the appropriate FDA shellfish specialist. The report should consist of the FDA Shellfish Standard Laboratory Evaluation Form, a summary list of qualified analysts and a narrative discussion for each laboratory evaluated. The narrative discussions shall include the identity of the laboratory, the date of evaluation, name of evaluator, a precise and accurate description of the conditions which existed during the evaluation, including what recommendations were made to correct deviations necessary to bring the laboratory into substantial conformity with the requirements of NSSP as approved by the Louisiana State Shellfish Sanitation

Program and appropriate information on personnel and procedures and conclusions.

B. - B.2. ...

3. The individual shall submit a written report of the joint laboratory evaluation to the FDA Shellfish and Aquaculture Policy Branch laboratory evaluation officers with a copy to the appropriate FDA shellfish specialist.

B.4. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1298 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1849 (July 2022).

§133. Requirements for Laboratory Certification [formerly paragraph 9:002-16]

A. ...

1. The purpose of the evaluation will be to assure the uniform application of standard procedures and methods in the sampling and analytical examination of shellfish growing waters and to determine and assure the adequacy of facilities, equipment and personnel to perform analytical testing necessary to meet the requirements recommended by the National Shellfish Sanitation Program and found to be acceptable by the Louisiana Molluscan Shellfish Program, administered by the Department of Health, Office of Public Health. Evaluation is not an endorsement of the laboratory facility, its staff the operation as this implies continuing guarantee of performance.

2. A satisfactory rating is achieved by demonstration during an on-site evaluation that the laboratory and laboratory personnel are found to conform or conditionally conform with all requirements as listed in the Shellfish Laboratory Evaluation Check Lists provided by the Federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Shellfish Aquaculture and Policy Branch. A satisfactory rating indicates that FDA recognizes that the laboratory complies with recommended procedures and capabilities and that the analytical results produced by the laboratory are in support of the Louisiana Shellfish Sanitation Program and are acceptable to FDA.

3. ...

B. An applicable, currently dated (i.e., the last satisfactory on-site evaluation shall be documented to have been held within the prior three year period) satisfactory FDA Shellfish Standard Laboratory Evaluation Form and narrative report submitted by the appropriate laboratory evaluation officer to the FDA Division of Cooperative Programs, Shellfish Sanitation Branch with a copy to the appropriate FDA shellfish specialist and the public health laboratory director shall be on file or available upon request.

1. - 2. ...

3. Failure to be found to conform or provisionally conform during the on-site evaluation by the appropriate Laboratory Evaluation Officer and/or failure to correct or address deficiencies or recommendations as noted in the narrative report within the stated timetable shall result in loss of satisfactory evaluation.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1299 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1849 (July 2022).

§135. Fees for Services

[formerly paragraph 9:002-17]

A. Fees for evaluations, analysis, determination, processing and reporting of results shall be incorporated into the Louisiana Molluscan Shellfish Program fee and assessed in accordance with rules and regulations controlling their collection.

B. The department shall charge and collect an imported seafood safety fee of one hundred dollars annually from each holder of a commercial seafood permit fee who sells imported seafood. The proceeds of such fee shall be used for the purposes described in R.S. 40:5.10.1. Pursuant to said statute, the department or its agents or contractors may conduct sampling of imported seafood stored on the premises of any business holding a commercial seafood permit issued pursuant to R.S. 40:31.35, the scope and frequency of which shall be within the discretion of the department. Samples collected pursuant to this Subsection may be laboratory tested at the discretion of the Department for any substances prohibited in applicable types or categories of seafood by the U.S. Food and Drug Administration (FDA). Such testing shall be conducted by laboratories accredited therefor by the FDA or an FDA-recognized accreditation body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3 and R.S.40:31:35.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1850 (July 2022).

§139. Records of Shellfish Purchases and Sales

[formerly paragraph 9:003]

A. Every person, firm or corporation who conducts any wholesale business of buying, selling or shipping shellfish shall keep an accurate daily record which shall include shipping documents.

1. Each shellfish shipment shall be accompanied by a shipping document which shall contain:

- a. the name, address, and certification number of the shipping dealer;
- b. the name and address of the major consignee; and
- c. the kind and quantity of the shellfish product.

2. The receiving dealer shall:

- a. maintain in his files a copy of the completed shipping document; and
- b. make the shipping document available to the authority upon request.

3. If the shipment is subdivided to different dealers, each receiving dealer shall maintain records sufficient to trace his portion back to the original shipment.

B. Transaction and Shipping Records. Each dealer shall have a business address at which transaction records are maintained. Each dealer shall maintain accurate and legible transaction records that are sufficient to:

1. document that the shellfish are from an authorized source;

2. permit a container of shellfish to be traced back to the specific incoming lot of shucked shellfish from which it was taken;

3. permit a lot of shucked shellfish or a lot of shellstock to be traced back to the growing area(s), date(s) of harvest, date and location of wet storage, if applicable, and if possible, the harvester or group of harvesters.

4. trace the wet storage history of the shellstock including, original harvest site, original harvest date, wet storage site(s) and dates.

5. purchase and sales shall be recorded within 72 hours of any purchase or sales:

- a. in a permanently bound ledger book; or
- b. computer record, or other method acceptable to and authorized by the Molluscan Shellfish Program;

6. the transaction records shall be retained:

- a. in the case of fresh shellfish, for a minimum of one year; and
- b. in the case of frozen shellfish, for at least two years or the shelf life of the product, whichever is longer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1850 (July 2022).

§141. Relaying of Shellfish

[formerly paragraph 9:004]

A. No person shall engage in the business of relaying shellfish from waters not approved for direct market harvesting by the state health officer prior to obtaining a permit for that purpose from the Department of Health, Office of Public Health. Growing waters to be utilized for shellfish relaying purposes must meet or exceed the Department of Health's ' criteria for a restricted area classification. Applications shall be completed and submitted with a fee of \$100, which shall be paid by cashiers check or money order and filed not less than 14 days prior to the beginning of such proposed relaying. Relaying of shellfish shall be permitted only during the first two weeks of each calendar month. The Louisiana Molluscan Shellfish Program shall allow the relay of suitable shellstock during all 12 months of the year.

B. The Louisiana Molluscan Shellfish Program hereby establishes species-specific critical values for water temperature and salinity, which may affect the natural treatment process in the growing are to which the shell stock *Crassostrea virginica* (American Oyster, Eastern Oyster) will be relayed.

1. The critical salinity tolerances *Crassostrea virginica* shall be established as 3 to 36 parts per thousand. Salinities shall be measured at approximately twelve inches below the water surface.

2. The critical temperature for *Crassostrea virginica* shall be established at temperatures 44-89 degrees Fahrenheit. Water temperatures shall be measured at approximately 12 inches below the water surface.

3. The species-specific critical pollution criteria shall be that the growing area for relay shall demonstrate through

its historical data that the water quality can reasonably be expected to meet the approved or conditionally approved criteria.

4. Relay activities which expose shell stock to this range of temperature and salinity values for a minimum of fourteen days shall be considered as meeting the species-specific critical values for relay of *Crassostrea virginica*.

5. The requirement for monitoring environmental conditions of the relay area shall be accomplished by collecting bacteriological water sample data and salinity data from sample stations nearest the relay area which are actively collected each month by the program. Three sample stations which triangulate, if possible, the relay area will be selected to meet this monitoring requirement.

6. No studies of contaminant levels of poisonous or deleterious substances in shellstock shall be conducted on shellstock for relay unless there exists scientific evidence which indicates the relay shellstock contains a poisonous or deleterious substance(s) which exceed a FDA tolerance level(s), or it is known that relay shellstock have been exposed to high levels of poisonous or deleterious substances.

7. The growing area to be used for the treatment process shall be monitored with sufficient frequency to identify when limiting critical value of water temperature of 44-89 degrees Fahrenheit and salinity 3-36 parts per thousand may be approached.

8. The effectiveness of species-specific contaminated reduction shall be determined based on a study. The study report shall demonstrate that, after the completion of the relay activity, the microbiological quality of shellstock is the same microbiological quality as that of the same shellstock already present in the approved or conditionally approved area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1850 (July 2022).

§143. Performance Bond Required [formerly paragraph 9:004-1]

A. A \$5,000 cash performance bond consisting of a bank cashier's check made payable to the Department of Health shall be submitted with each completed application. In addition to the bond, a permittee, at his own expense shall secure the services of a surveillance officer approved by the Department of Health and the Department of Wildlife and Fisheries for the purpose of monitoring all harvesting, transporting, and bedding of shellfish for relaying purposes. In order to satisfy the monitoring requirements, all harvesting, transporting and bedding of shellfish for relaying purposes shall take place in the direct line of sight of the state-approved surveillance officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1851 (July 2022).

§145. Permit Required for Relaying [formerly paragraph 9:004-2]

A. Permits are required prior to performing any relaying at the discretion of the Department of Health, Office of Public Health under the following restrictions.

1. ...

2. Should environmental conditions in the growing area used for relay exceed the limits of classification of the growing area, the relay area shall be closed along with all other affected growing area. The minimum 14-day treatment time shall only be during the time that relay area is characterized by water temperatures and salinity units that are within critical limits.

3. Shellfish harvested for relaying purposes from restricted waters shall not be laid down within 500 feet of any adjoining lease where shellfish may be taken for sale as food during the active period of the relay permit.

4. Sacking of shellfish, storage of empty shellfish sacks on board permitted or authorized relaying vessels and/or the direct marketing of shellfish taken from waters not approved for that purpose by the state health officer shall be strictly prohibited.

5. Culling of shellfish shall be permitted only when container relaying is practiced and written authorization is obtained from the Department of Health a.

6. Only two leases in the restricted area and approved bedding area, each pre-approved by the Department of Health, shall be utilized in the relaying of shellfish.

a. Shellfish relayed from a restricted area of a public oyster seed ground will be allowed at the discretion of the Louisiana Department of Wildlife and Fisheries (LDWF) only during the open oyster season. Shellstock from the public oyster seed ground will be allowed to be bedded on only two approved leases which will be pre-approved by the Department of Health. Relaying from a public oyster seed ground area shall be for the purpose of moving the live oyster resource. The removal of excessive amounts of non-living reef material in relay loads shall result in the forfeiture of the relay permit and/or the closure of the public oyster seed ground area to transplanting. Permit-holders shall allow on-board inspection and sampling of relay loads by the LDWF.

7. The permittee shall be responsible for notifying the Department of Wildlife and Fisheries prior to leaving port to relay shellfish and immediately upon returning from the permitted trip each day. The Department of Wildlife and Fisheries shall be notified by calling (800) 442-2511.

8. All leases shall be "red flagged" so that they may be easily spotted by both aircraft and boats. "Red flagged" as used in this Paragraph, means that the four outside corners of the lease must be marked with poles with red flags attached.

9. All activities relative to the relaying of shellfish shall be permitted only during daylight hours with all activities completed no later than 30 minutes after official sunset. Applicants may apply for a written exemption to this requirement when the distance between the restricted area and bedding area is such that compliance is not possible.

10. Both sides of the permitted vessel shall be marked with the permit number in at least 6-inch-high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

11. A copy of the complete relay permit and applicable rules shall be on board each authorized vessel at all times during the active period of the relay permit.

12. The harvesting of shellfish for relaying purposes within 150 feet of any sewage discharge point emanating from any camp, home, or other habitable structure shall be prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5 (2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, Center for Environmental Health Services, LR 34:445 (March 2008), LR 34:2175 (October 2008), LR 48:1851 (July 2022).

§147. Surveillance Officer's Daily Trip Report
[formerly paragraph 9:004-3]

A. An official Department of Health's "Surveillance Officers Daily Trip Report" must be completed each day by the surveillance officer and mailed to the Department of Health, Seafood Sanitation Unit after each completed day of relaying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1301 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1852 (July 2022).

§149. Enforcement Provisions
[formerly paragraph 9:004-4]

A. Failure to comply with any of the permitting requirements specified in §§141-147 shall result in the following administrative action.

1. The relay permit and all relay permitting privileges shall be immediately suspended by the Department of Health or the Department of Wildlife and Fisheries.

2. All shellfish harvested for relaying purposes in violation of permitting requirements shall be returned to the original growing waters or destroyed at a permittee's own expense.

3. If said charges are upheld in an administrative hearing, the following additional penalties shall be imposed.

a. Relay permitting privileges shall be denied for a period of three years.

b. The \$5,000 cash bond posted by the permittee shall be forfeited and retained by the state.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1)), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1301 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1852 (July 2022).

Chapter 3. Preparation and Handling of Seafood for Market

§303. Construction and Cleanliness of Shellfish Boats
[formerly paragraph 9:006]

A. All boats utilized for the harvesting or transporting of shellfish shall be provided with a false deck or bottom to prevent the contamination of shellfish with bilge water. For the purpose of this regulation, bilge water may be defined as any water that collects in the lowest inner part of a boat's hull. Decks, holds or binds used for storage of shellfish shall be washed daily with either potable water, or water drawn

from an approved growing area or Conditionally Approved area in open status. Unless otherwise exempted in writing by the Louisiana Department of Health, a suspended awning shall be provided on harvest boats to protect shellfish from direct exposure to sun, birds and other adverse conditions. The suspended awning shall be a minimum of 12 inches above the shellfish with a maximum height of 7 feet. The suspended awning shall be of such width and length so as to extend to the outer edges of the harvesting or transporting vessel. The provisions of this rule shall apply to all types of harvesting and transporting vessels. Small children in diapers, dogs, cats or other forms of wildlife shall not be permitted on board harvesting vessels while shellfish are being fished or transported. Violation of any of the requirements in this Section shall result in one of the following penalties.

1. Shellfish shall be seized and destroyed at violator's expense.

2. Shellfish shall be bedded on a Department of Wildlife and Fisheries managed seed reservation at violator's expense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1301 (June 2002), repromulgated LR 29:173 (February 2003); repromulgated by the Department of Health, Office of Public Health, LR 48:1852 (July 2022).

§311. Permits to Operate Seafood Establishments
[formerly paragraph 9:010]

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1),

R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3, R.S. 40:5.10.1 and R.S. 40:31.35(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1302 (June 2002), repromulgated by the Department of Health, Office of Public Health, LR 48:1852 (July 2022).

§313. Plant Construction
[formerly paragraph 9:011]

A. - G. ...

1. The establishment shall be provided with an abundant supply of water under pressure from a source approved by the Louisiana state health officer. No cross connections with unapproved water supplies shall be permitted. The requirements of Parts XII (Water Supplies) of this Code shall be met.

H. ...

I. [formerly paragraph 9:019] Sanitary toilets of approved construction and location shall be provided for the use of employees. Toilets shall not open directly into rooms used for cleaning, shucking, picking, peeling, packing or storage of food products. Where sewerage facilities are available, water flush toilets connected to the sewerage system shall be provided. No insanitary privy shall be permitted or maintained on the premises of any seafood establishment. Self-closing doors must be provided for toilet room facilities.

J. [formerly paragraph 9:020] Refrigeration rooms, coolers or ice boxes for the storage or retention of marine and fresh-water animal food products shall be so constructed, painted or otherwise treated as to provide a

smooth, impervious surface for easy and thorough cleaning. Floors of refrigeration rooms or walk-in coolers shall be of concrete, tile, glazed brick or other impervious material with adequate floor drains, or the floor so sloped as to ensure complete and rapid drainage. Walls shall be of concrete, metal, glass board or other material approved by the state health officer. Ice boxes shall be metal, fiberglass or plastic lined with seams welded, soldered, or otherwise treated, to give a smooth, impervious, easily cleaned surface.

K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1),

R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1302 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1852 (July 2022).

§317. Seafood Plant Operation

[formerly paragraph 9:027 and 9:027-1]

A. - A.10.c. ...

d. maintenance of hand washing and toilet facilities, hereinafter referred to as: maintenance of hand washing and toilet facilities;

A.10.e. - F.3. ...

4. by immersion in an iodine solution concentration between 12.5 mg/L and 25 mg/L(ppm); or

5. by immersion in a quarternary ammonium compound solution concentration of 200 mg/L (ppm) or as indicated by the manufacturer's use directions included in labeling; or.

6. by immersion in hot water at a temperature of 170°F or more for not less than two minutes; or

7. by exposure to hot air at a temperature of not less than 180°F for not less than 20 minutes, in a properly designed oven or hot air cabinet equipped with an indicating thermometer located in the coldest zone or other method of eliminating pathogenic bacteria as approved by the state health officer.

G. - N. ...

O. [formerly paragraph 9:041] A single individual shall be designated by the management to supervise the shucking and packing of shellfish, the packing of peeled and cooked shrimp and picked crabs. They shall be responsible for the cleanliness the shucking, picking, or packing rooms and shall see that the requirements with reference to washing of hands after interruption of working operations is carried out by all persons engaged in the establishment. They shall be responsible at the end of each day's operations for the thorough cleansing and sanitizing of all equipment such as pails, knives, breaking blocks, finger cots, aprons, and so forth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1303 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1853 (July 2022).

§323. Tags

[formerly paragraph 9:051]

A. In order that information may be available to inspectors and others with reference to the origin of shell-stock oysters, clams and mussels from all areas, all

containers holding shell-stock shall be identified by a tag or label, form and substance of which shall be approved by the state health officer, and the Secretary of the Department of Wildlife and Fisheries.

B. - B.6. ...

a. THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS. "RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE)";

NOTE: Shellstock tagged for restricted use (Green Tag) should not include the retailer guidance language "RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE)

B.6.b. - C.3. ...

4. A blue-colored tag indicates that the shell stock has been post-harvest processed by a certified dealer and may now be sold for raw (half shell) consumption in both interstate and intrastate commerce. This tag must also include a "SELL BY" date which is a reasonable subsequent shelf-life or the words "BEST IF USED BY" followed by a date when the product would be expected to reach the end of its shelf-life. The date shall include month, day, and year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 28:1591 (July 2002), LR 33:850 (May 2007), LR 40:1009 (May 2014), amended by the Department of Health, Office of Public Health, LR 48:1853 (July 2022).

§329. Refrigeration Requirements for Shellstock Harvested for Raw Consumption during the Months of January through December [formerly paragraph 9:052-1]

A. Time to refrigeration requirements for shell-stock harvested for raw consumption during the months January through December shall be based on the Average Monthly Maximum Water Temperatures based on the *Vibrio vulnificus* control plan developed by the Office of Public Health Molluscan Shellfish Program according to the following schedule.

A.1. - C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 36:1016 (May 2010), LR 38:2789 (November 2012), LR 40:1009 (May 2014), amended by the Department of Health, Office of Public Health, LR 48:1853 (July 2022).

§330. Refrigeration Requirements for Shellstock Harvested during the months of May through October for Raw Consumption only by Persons Located within the State of Louisiana

A. ...

B. The Department of Health and the Department of Wildlife and Fisheries have cooperatively developed a single tag which purpose is to immediately and specifically indicate by its fuchsia (pinkish-purple) color that the oysters contained in the sack or box have been harvested following the requirements of this Section. Language shall be printed on the tag which shall explicitly state "oysters contained herein must not be sold for use outside of the state of

Louisiana” and the oysters contained in the sack or box (excluding post-harvest process product) shall not be sold for use outside of the state of Louisiana. This tag shall be in addition to any tag(s) required under §323 of this Part.

C. - D. ...

E. Records relating to oysters which will only be sold for raw consumption within the state of Louisiana shall be completed by both the harvester and dealer(s) and shall be kept separate from records for shellstock product intended for interstate shipment. These records shall be maintained for a period of one year (two years if frozen) and be made readily available for examination by agents of the Department of Health and the Department of Wildlife and Fisheries. Approved log sheets properly completed and maintained, for the current and previous 15 days harvest shall be kept aboard the harvest vessel for immediate examination. A copy of the log sheet form required to be kept and maintained is shown below in §345 of this Part.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3 and R.S. 56:437.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 38:96 (January 2012), amended by the Department of Health, Office of Public Health, LR 48:1853 (July 2022).

§331. Refrigeration Requirements for Shellstock Harvested for Shucking or Post-Harvest Processing by a Certified Dealer during the Months of January through December [formerly paragraph 9:052-2]

A. Time to refrigeration requirements for shell-stock harvested for shucking or post-harvest processing by a certified dealer during the months January through December shall be based on the Average Monthly Maximum Air Temperature developed by the Office of Public Health Molluscan Shellfish Program according to the following schedule.

1. Air Temperature: <50°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 36 hours from the time harvesting begins.

2. Air Temperature: 50°F to 60°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 24 hours from the time harvesting begins.

3. Air Temperature: >60°F - 80°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 18 hours from the time harvesting begins.

4. Air Temperature: >80°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 12 hours from the time harvesting begins.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175

(October 2008), LR 35:1239 (July 2009), LR 36:1017 (May 2010), LR 38:97 (January 2012), LR 38:2789 (November 2012), amended by the Department of Health, Office of Public Health, LR 48:1854 (July 2022).

§333. General Provisions [formerly paragraph 9:052-3]

A. - E. ...

F. Post-Harvest Processing

1. - 1.a. ...

i. for processes that target *Vibrio vulnificus*, the level of *Vibrio vulnificus* in product that has been subjected to the process shall be non-detectable (<30 pergram) to be determined by use of the *Vibrio vulnificus* FDA approved EIA procedure of Tamplin, et al, as described in Chapter 9 of the FDA Bacteriological Analytical Manual, 7th Edition, 1992;

ii. for processes that target *Vibrio parahaemolyticus*, the level of *Vibrio parahaemolyticus* in product that has been subjected to the process shall be non-detectable (<30 per gram)

iii. - v. ...

b. package and label all shellfish in accordance with all requirements of the Model Ordinance. This includes labeling all shellfish which have been subjected to the process but which are not frozen in accordance with applicable shellfish tagging and labeling requirements in Chapter X.05 and X.06 and X.07 of the National Shellfish Sanitation Program Model Ordinance;

c. keep records in accordance with Chapter X.08 of the National Shellfish Sanitation Program Model Ordinance.

2. ...

3. For the purpose of product temperature the receiving and storage critical control points of shucked product apply to shell stock prior to PHP processing. Following PHP processing, if the end product is dead, the product shall be treated as shucked product. If the end product is live, the product shall be treated as shellstock.

4. A harvester-dealer oyster tag, blue in color, shall be used for In-Shell Product that has undergone a Post-Harvest Treatment Process.

F.5. - G. ...

1. Certified dealers shall adopt written procedures for conducting recalls of adulterated or misbranded shellfish products. These written procedures for conducting recalls shall be based on, and complementary to, the FDA Enforcement Policy on Recalls published in the April 1, 2003 Code of Federal Regulations, Title 21, Chapter 1, Subchapter A, Part 7-Enforcement Policy which is also contained in the 2019 NSSP Guide for the Control of Molluscan Shellfish under Section VII (Federal Regulations) thereof.

G.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(20)(21), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 28:1592 (July 2002), repromulgated LR 29:173 (February 2003), amended LR 34:2176 (October 2008), LR 38:97 (January 2012), LR 40:1009 (May 2014), amended LR 48:1854 (July 2022).

§337. Checking on Condition of Molluscan Shellfish in Growing Waters Closed by the State Health Officer
[formerly paragraph 9:053]

A. No person shall engage in the business of checking on the condition of molluscan shellfish in growing waters closed by the state health officer prior to obtaining a permit for that purpose from the state health officer. Applications shall be and filed not less than 14 days prior to the beginning of such proposed checking activities. Permits will be applicable for one day only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1310 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1855 (July 2022).

§339. Performance Bond and Security Guard Monitoring Requirements
[formerly paragraph 9:053-1]

A. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1310 (June 2002), repealed by the Department of Health, Office of Public Health, LR 48:1855 (July 2022).

§343. Permit Enforcement
[formerly paragraph 9:053-3]

A. Failure to comply with any of the permitting requirements specified in §§327-333 shall result in the following administrative actions.

1. The shellfish checking permit and all applicable privileges shall be immediately suspended by the Department of Wildlife and Fisheries or the Department of Health.

2. If said charges are upheld in an administrative hearing, shellfish checking and shellfish relay permitting privileges shall be denied for a period of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1310 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1855 (July 2022).

Chapter 5. Molluscan Shellfish Aquaculture
§501. General

A. Aquaculture activities which may pose a significant public health concern are regulated in this chapter and include, but not limited to:

1. seed production in waters classified as prohibited or unclassified;
2. aquaculture structures that attract birds or mammals; and
3. land based aquaculture.

B. Requirements:

1. approved written operational plan;
2. an annual inspection by representative of the department, including operator records, to verify that

appropriate permits are up to date and operational plans are be implemented;

3. when aquaculture attracts birds or mammals, their presence should be considered for possible adverse effects on growing area water quality.

C. The maximum seed size for *Cassostrea virginica* (eastern oyster) that can be produced in prohibited waters is 1 inch. If seed size produced in prohibited waters exceeds 1 inch, the seed shall be deemed adulterated and shall be subject to seizure and destruction.

D. Any person who performs aquaculture as defined in §101 of this Part or operates an aquaculture facility to raise shellfish for human consumption shall obtain:

1. a permit from the department for the activity and functioning of their facility;
2. a harvester's license; and
3. certification as a dealer, where necessary.

E. Shellfish aquaculture as defined in §101 of this Part shall be practiced only in strict compliance with the provisions of the permit issued by the department for the shellfish aquaculture activity. Authorization shall be based on the operator's written operational plan.

F. Prior to beginning their activity, a harvester shall obtain permission of the department for use of their facility.

G. Any shellfish seed raised in aquaculture shall be subjected to relaying prior to direct marketing if the culture are or facility is located in or using water which is in:

1. the closed status of the conditionally approved classification;
2. the restricted classification; or
3. the open status of the conditionally restricted classification.

H. Only drugs sanctioned by the FDA shall be used for shellfish treatment.

I. Harvesting, processing, storage, and shipping requirements for shellfish raised in a land-based aquaculture facility shall be the same as the requirements for wild molluscan shellfish specified in this Part of Title 51.

J. Complete and accurate records shall be maintained for at least two years by the operator of the aquaculture facility and shall include the:

1. source of shellfish, including seed if the seed is from growing areas which are not in the approved classification; and
2. water source, its treatment method, if necessary, and its quality in land-based systems.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1855 (July 2022).

§503. Exceptions

A. Hatcheries and nurseries rearing larvae and/or seed that are located in:

1. approved or conditionally approved growing areas are exempt from the requirements of this part; or
2. restricted, or conditionally restricted, growing areas would be exempt from the requirements of this part but subject to relay requirements for seed that exceeds the maximum seed size established by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1855 (July 2022).

§505. Seed Production in Water Classified as Prohibited or Unclassified

A. Seed may come from any growing area, or from any growing area which is not in an approved classification, provided that:

1. the source of the seed is approved by the department;
2. each aquaculture site that cultures seed in waters classified as prohibited or unclassified shall have a written operational plan. The plan shall be approved by the department prior to its implementation and shall include the following:
 - a. a description of the design and activities of the culture facility;
 - b. the specific site and boundaries in which shellfish aquaculture activities will be conducted;
 - c. the types and locations of any structures, including rafts, pens, cages, nets, or floats which will be placed in the waters;
 - d. the species of shellfish to be cultured and harvested;
 - e. the procedures to assure that no poisonous or deleterious substances are introduced from the seed production activities;
 - f. the corrective actions for addressing seed exceeding the maximum seed size as defined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1856 (July 2022).

§507. Aquaculture That Attracts Birds or Mammals

A. Operational Plan. Each aquaculture site that the department determines may attract sufficient birds and/or mammals that their waste presents a human health risk shall have a written operational plan. The operational plan shall be approved by the department prior to its implementation and shall include:

1. a description of the design and activities of the aquaculture facility;
2. the specific site and boundaries in which shellfish aquaculture activities will be conducted;
3. the types and locations of any structures, including rafts, pens, cages, nets, or floats which will be placed in the waters;
4. the genus and species of shellfish to be cultured and harvested;
5. procedures to assure that no poisonous or deleterious substances are introduced from the aquaculture activities;
6. a description of the mitigation or deterrent measures to minimize the potential pollution impact of birds and/or mammals; and
7. maintenance of the required records.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1856 (July 2022).

§509. Land Based Aquaculture

A. Operational Plan. Each land-based aquaculture facility shall have a written operational plan. The facility must obtain approval from the department prior to its implementation and shall include:

1. a description of the design and activities of the aquaculture facility;
2. the specific site and boundaries in which shellfish aquaculture activities will be conducted;
3. the types and locations of any structures, including rafts, pens, cages, nets, tanks, ponds, or floats which will be placed in the waters;
4. the genus and species of shellfish to be cultured and harvested;
5. procedures to assure that no poisonous or deleterious substances are introduced into the activities;
6. a program of sanitation, maintenance, and supervision to prevent contamination of the shellfish products;
7. a description of the water source, including the details of any water treatment process or method;
8. a program to maintain water quality, which includes collection of microbial water samples and their method of analysis and routine temperature and salinity monitoring (the bacterial indicator monitored shall be the same as used for monitoring natural growing areas);
9. if applicable, collection of data concerning the quality of food production (algae or other) used in the artificial harvest system; and
10. maintenance of the required records.

B. Each land-based facility conducting aquaculture as defined by Section 101 of this Part shall maintain the following records while the aquaculture activity continues:

1. construction and remodeling plans for any permitted aquaculture facility;
2. aquaculture operational plans; and
3. aquaculture permits.

C. Water Systems. If the land-based aquaculture system is of continuous flow through design, water from a growing area classified as approved, or in the open status of the conditionally approved classification at all times shellfish are held, may be used without treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1856 (July 2022).

Joseph Kanter, MD, MPH
State Health Officer
and
Dr. Courtney N. Phillips
Secretary

2207#031

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

Louisiana Sports Wagering
(LAC 42:III.301, 303, 304 and VI.103,
501, 503, 505, 509, 517 and 707)

The Department of Public Safety and Corrections, Gaming Control Board, in accordance with R.S. 27:15, R.S. 27:24, R.S. 27:603, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., has amended Sections 301, 303, and 304 of Part III of Title 42 of the *Louisiana Administrative Code*, and has amended Sections 103, 501, 503, 505, 509, 517, and 707 of Part VI of Title 42 of the *Louisiana Administrative Code*. These rule changes clarify practices already required to take place in the industry and create uniformity with the amended statutes and the newly enacted statutes as a result of Acts 80, 435, and 440 of the 2021 Legislative Session and Act 215 of the 2020 Regular Legislative Session. These rule changes allow for the conducting, application, licensing, permitting, enforcement, and regulation of sports wagering. This Rule is hereby adopted on the day of promulgation.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 3. Compulsive and Problem Gambling

§301. Problem Gambling Programs

A. As used in this Chapter, *licensee* shall mean all persons licensed or otherwise authorized to conduct gaming operations pursuant to the provisions of Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law, R.S. 27:1 et seq., including the casino operator, casino manager, sports wagering licensees, and sports wagering platform providers, but not including persons only licensed pursuant to Chapter 8 of the Louisiana Gaming Control Law. As used in this Chapter, *sports wagering platform* includes all websites and mobile applications used to place sports wagers.

B. Each licensee shall post or provide written materials concerning the nature and symptoms of problem gambling in conspicuous places within the gaming establishment in or near gaming areas and areas where cash or credit is made available to patrons, including cash dispensing machines. Licensees shall include access to such information on its sports wagering platform.

C. Each licensee shall post one or more signs, as approved by the division, at points of entry to casino gaming establishments to inform customers of the toll free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll free number shall be provided by the division. Licensees shall include such information and toll free number on its sports wagering platform.

D. ...

E.1. All licensees shall develop a comprehensive program for its property or properties and sports wagering platform(s) that address, at a minimum, the areas of concern described in R.S. 27:27.1.C which are designed to:

a. provide procedures designed to prevent employees from willfully permitting a person identified on a self-exclusion list from engaging in gaming activities at the

licensed establishment or facility or on the sports wagering platform;

b. ...

c. provide procedures for the development of programs to address issues of underage gambling and unattended minors at gaming facilities and on sports wagering platforms;

d. - e. ...

f. provide procedures for removing or excluding self-excluded persons from the licensed establishment or facility or sports wagering platform. These procedures may include, if necessary, procedures that include obtaining the assistance of the division or local law enforcement;

g. ...

h. provide procedures for the distribution or posting on or within the gaming establishment, facility, or sports wagering platform of information that promotes public awareness about problem gambling and provides information on available services and resources to those who have a gambling problem;

i. - E.2. ...

3. In addition to the areas of concern described in R.S. 27:27.1.C, the comprehensive program shall also include a program that allows patrons to self-limit their access to functions and amenities of the gaming establishment, facility, and sports wagering platform, including but not limited to, the issuance of credit, check cashing or direct mail marketing.

F. Each licensee shall submit the comprehensive program to the board for approval within 120 days from the date this rule becomes effective as required by R.S. 27:27.1.C. Amendments to the program shall be submitted to the board for approval prior to implementation.

G. Upon approval, licensees shall comply with their respective comprehensive compulsive and problem gambling programs submitted to the Board.

H. - H.2....

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1987 (September 2002), LR 48:1857 (July 2022).

§303. Persons Required to be Excluded

A. Pursuant to R.S. 27:27.2, the Louisiana Gaming Control Board hereby provides for the establishment of a list of persons who are to be excluded or ejected from any room, premises, or designated gaming area of an establishment, or from a sports wagering platform, where gaming is conducted pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law, R.S. 27:1 et seq.

B. Definitions. The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise.

Board Exclusion List—a list of names of persons who, pursuant to R.S. 27:27.2, are required to be excluded or ejected from casino gaming establishments and sports wagering platforms.

Casino Gaming Establishment—any room, premises, or designated gaming area of any establishment where gaming is conducted pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law and all sports wagering

platforms pursuant to Chapter 10 of the Louisiana Gaming Control Law.

* * *

C. Criteria for Exclusion

1. The board exclusion list may include any person who meets any of the following criteria:

a. a career or professional offender whose presence on or in a casino gaming establishment would be adverse to the interests of the state of Louisiana or to authorized gaming therein;

b. an associate of a career or professional offender whose association is such that his or her presence on or in a casino gaming establishment would be adverse to the interests of the state of Louisiana or to authorized gaming therein;

c. - e. ...

f. is a person whose presence on or in a casino gaming establishment would be adverse to the state of Louisiana or authorized gaming therein, including, but not limited to:

i. - ii. ...

iii. persons who pose a threat to the safety of the patrons or employees of the licensee;

iv. - F.1.f. ...

g. the person's occupation and his current home, business, and electronic mail address; and

h. - G.1. ...

2. The list shall be open to public inspection except information pertaining to the date of birth, driver's license number, state identification number, Social Security number and current home, business, and electronic mailing address of the board excluded person.

3. ...

4. No licensee or any employee, or agent thereof shall disclose the date of birth or current home, business, or electronic mailing address of a board excluded person to anyone other than employees or agents of licensees, or approved contracted entities, whose duties and functions require access to such information.

H. Duties of Licensees

1. The licensees and their agents or employees shall exclude or eject the following persons from the casino gaming establishment:

a. - b. ...

2.a. If a board excluded person enters, attempts to enter, or is in the casino gaming establishment and is discovered by the licensee, the licensee shall immediately notify the division of such fact and, unless otherwise directed by the division, immediately eject such excluded person from the casino gaming establishment.

b. If a board excluded person gains access to a sports wagering platform, the licensee shall immediately exclude the person from the platform and promptly notify the division.

3. Upon discovery of a board excluded person in or on the casino gaming establishment, both the security and surveillance departments, or the departments responsible for sports wagering platform security, of the licensees shall initiate a joint investigation, unless otherwise directed by the division, to determine:

a. - b. ...

4. Each licensee shall take reasonable steps to ensure that no winnings or losses arising as a result of prohibited gaming activity are paid or recovered by a board excluded person.

5. It shall be the continuing duty of licensee to inform the board and division in writing of the names of persons it knows or has reason to know are appropriate for placement on the board exclusion list.

I. Sanctions

1. Any licensee who willfully fails to exclude a board excluded person from the casino gaming establishment shall be in violation of these rules and may be subject to administrative action pursuant to R.S. 27:27.2.F and this Section.

2. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1988 (September 2002), LR 48:1857 (July 2022).

§304. Self-Exclusion

A. Pursuant to R.S. 27:27.1, the Louisiana Gaming Control Board hereby provides for the establishment of a list of persons who, at his or her request, are to be excluded or ejected from all casino gaming establishments licensed or operating pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law, R.S. 27:1 et seq.

B. Definitions

1. The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise.

Casino Gaming Establishment—any room, premises, or designated gaming area of any establishment where gaming is conducted pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law and all sports wagering platforms pursuant to Chapter 10 of the Louisiana Gaming Control Law.

* * *

Self-Exclusion List—a list of names of persons who have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at or from all casino gaming establishments.

C. - C.4.a.ii. ...

iii. current home, business, and electronic mailing address;

iv. - vii. ...

b. a waiver and release which shall release, forever discharge, indemnify and hold harmless the state of Louisiana, the Louisiana Gaming Control Board ("Board"), the Louisiana Department of Public Safety and Corrections, Office of State Police ("State Police"), the Department of Justice, Office of the Attorney General ("Attorney General's Office"), all licensees and their members, agents, and employees, from any liability to the person requesting self-exclusion and his or her heirs, administrators, executors and assigns for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion, request for removal from the self-exclusion list, or removal from the self-exclusion list, including:

- i. ...
 - ii. the failure of a licensee to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person;
 - iii. permitting a self-excluded person to engage in gaming activity in or on a casino gaming establishment while on the list of self-excluded persons; and
 - iv. ...
- c. the following statement signed by the person submitting the request for self-exclusion:

"I understand and read the English language or have had an interpreter read and explain this form. I am voluntarily requesting exclusion from all gaming activities at or on all Louisiana casino gaming establishments (which includes sports wagering platforms) because I am a compulsive and/or problem gambler. I certify that the information that I have provided above is true and accurate, and that I have read, understand, and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Board or the State Police to direct all Louisiana licensees, including the casino operator, casino manager, sports wagering licensee, and sports wagering platform providers, to restrict my gaming activities and access to casino gaming establishments for a minimum period of five years from the date of exclusion. During such period of time, I will not attempt to enter any casino gaming establishment or attempt to participate in gaming activity on a sports wagering platform. I further understand that my name will remain on the Self-Exclusion List until 1) I submit a written request to the Board to terminate my self-exclusion; 2) a hearing is held; and 3) there is a written decision of the Board determining that there is no longer a basis for me to be maintained on the list. I am aware that I cannot request removal from the list before five years have elapsed from the date of exclusion. I am aware and agree that during any period of self-exclusion, I shall not collect in any manner or proceeding any winnings or recover any losses resulting from any gaming activity at any casino gaming establishment or on a sports wagering platform and that any money or thing of value obtained by me from, or owed to me by, the sports wagering licensee, sports wagering platform provider, casino operator, casino manager, or a licensee as a result of wagers made by me while on the Self-Exclusion List shall be withheld and remitted to the state of Louisiana."

C.4.d. - D.3. ...

4. Each licensee shall maintain a copy of the self-exclusion list and shall establish procedures to ensure that the self-exclusion list is updated and that all appropriate members, employees and agents of each licensee are notified of any addition to or deletion from the list within five business days after receipt of the notice from the division. Appropriate members, employees, and agents of each licensee are those whose duties and functions require access to such information, and include its respective contracted sports wagering platform provider. The notice provided by the division shall include the name and date of birth of any person whose name shall be removed from the self-exclusion list and the following information concerning any person whose name shall be added to the self-exclusion list:

- a. - b. ...
- c. address of current residence and electronic mail;
- 4.d. - 5. ...

6.a. Except as otherwise provided herein, no licensee, employee, or agent thereof shall disclose the self-exclusion list or the name of, or any information about, any person who has requested self-exclusion to anyone other than employees and agents of the licensee whose duties and

functions require access to such information. Notwithstanding the foregoing, each licensee may disclose the name of and information about a self-excluded person to appropriate employees of other licensees in Louisiana for the purpose of alerting other casinos that a self-excluded person has tried to gamble or otherwise obtain gaming related privileges or benefits in a casino gaming establishment. Each licensee may contract with an entity who provides identification services or who assists in identifying self-excluded persons in order to exclude the person from gaming, and may distribute the self-exclusion list to the contracted entity in accordance with internal controls. Nothing herein shall be construed to prohibit the licensee from disclosing the identity of self-excluded persons to affiliated entities in Louisiana and other gaming jurisdictions for the limited purpose of assisting in the proper administration of compulsive and problem gaming programs operated by such affiliated entities.

b. A licensee may release the names and identifying information of those persons on the self-excluded list to contracted service providers that provide patron identification services, or check cashing, marketing, credit evaluations, automated teller machines, cash advances, or other financial services provided:

- i. ...
- ii. only the name and identifying information may be disclosed to the contracted service provider. The licensee shall neither disclose the reasons for providing the name and identifying information nor shall it be disclosed that the person is on the self-excluded list;
- iii. the licensee shall require by written contract that the contracted service provider implement measures designed to ensure the confidentiality of the names and identifying information and to prohibit the release of the names and identifying information to any other person or entity;
- iv. the licensee shall immediately report to the Division all instances of a self-excluded person accessing or attempting to access the services provided by the contracted service providers and investigate the incident as required by LAC 42:III.304(E).

c. ...

E. Duties of the Licensee

1. Each licensee shall establish procedures that are designed, to the greatest extent practicable, to:

a. permit appropriate employees of the licensee to identify a self-excluded person when present on or in the casino gaming establishment and, upon such identification, immediately notify:

i. those employees of the licensee designated to monitor the presence of self-excluded persons; and

a.ii. - d. ...

2. Each licensee shall distribute a packet of written materials approved by the division to any person inquiring or requesting information concerning the board's self-exclusion program.

3. ...

4.a. If a self-excluded person enters, attempts to enter, or is in or on the casino gaming establishment and is discovered by the licensee, the licensee shall immediately

notify the division of such fact and, unless otherwise directed by the division, immediately eject such excluded person from the casino gaming establishment.

b. If a self-excluded person gains access to a sports wagering platform, the licensee shall immediately exclude the person from the platform and promptly notify the division.

5. Upon discovery of a self-excluded person on or in the casino gaming establishment, both the security and surveillance departments, or the departments responsible for sports wagering platform security, of the licensees shall initiate a joint investigation, unless otherwise directed by the division to determine:

a. responsibility of employees of the gaming establishment or licensee for allowing an excluded person to gain access to the casino gaming establishment; and

b. the net amount of winnings or losses attributable to the excluded person.

6. Each licensee shall provide a written report of the results of the joint investigation to the division.

7. Each licensee shall ensure that no winnings or losses arising as a result of prohibited gaming activity are paid or recovered by a self-excluded person.

F. Sanctions

1. Any licensee who willfully fails to exclude a self-excluded person from the casino gaming establishment shall be in violation of these rules and may be subject to administrative action pursuant to R.S. 27:27.1.J and this Section.

F.2. - G.2. ...

3. If the hearing officer determines that there is no longer a basis for the person seeking removal to be maintained on the self-exclusion list, the person's name shall be removed from the self-exclusion list and his or her exclusion shall be terminated. The division shall notify all licensees of the determination. The licensee may continue to deny gaming privileges to persons who have been removed from the list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1990 (September 2002), amended LR 30:2493 (November 2004), LR 35:2199 (October 2009), LR 48:1858 (July 2022).

Part VI. Sports Wagering

Chapter 1. General Provisions

§103. Definitions

A. ...

B. As used in this Chapter, the following words and terms shall have the following meanings:

* * *

Prohibited Player—a person who is prohibited from placing a sports wager for reasons including, but not limited to: prohibited by R.S. 27:608; is under the age of 21; has self-restricted or self-excluded from the platform or operator or licensee; or is excluded or prohibited for any other reason.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 48:48 (January 2022), LR 48:1860 (July 2022).

Chapter 5. Rules; Operations

§501. Sports Wagering Operator Requirements and Restrictions; Internal Controls; Comprehensive Rules

A. - C. ...

D. Licensees and operators shall not accept a sports wager from a prohibited player.

1. Permitted gaming employees shall not game or wager at the retail sportsbook where he or she is employed.

2. Persons issued findings of suitability by the board shall not game or place a sports wager at any retail sportsbook or on any sports wagering platform operated by its employer or a subsidiary.

3. Employees of a sports wagering platform provider shall not place a sports wager through the sports wagering platform for which he or she is employed. Employees of a sports wagering service provider that supplies a sports wagering platform to a sports wagering licensee shall not wager through said sports wagering platform.

4. Employees of the sports wagering licensee whose duties or responsibilities directly relate to the operation of the sports wagering platform or the sportsbook may not game or place a sports wager on the sports wagering platform associated or partnered with the sports wagering licensee.

5. Sports wagering licensee and sports wagering platform providers may provide internal controls that further restrict gaming activities by its employees.

E. - F. ...

1. prohibit a player from placing a sports wager while the player is located in a prohibited parish;

2. - 11. ...

12. withholding all winnings from players determined to be under the age of 21 or for any wagers determined to have been placed from within a prohibited parish;

F.13. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 48:55 (January 2022), LR 48:1860 (July 2022).

§503. Sports Wagering Platforms; Identification of Licensee; Duties of Licensee and Operators

A. - F.1. ...

G. If the session is terminated due to a player inactivity timeout, no further participation is permitted unless and until a new session is established by the player. This process shall include, at a minimum, the manual entry of the player's secure password or an alternate form of authentication approved by the board.

H. The board may determine whether a licensee or permittee may cooperate with investigations conducted by sports governing bodies. The board, in its sole discretion or through the division, may limit or prohibit the sharing of certain information or documents requested pursuant to an investigation. A licensee or operator shall not share any information that would interfere or impede a criminal investigation or an investigation of the board or division. Information shared under this Subsection by a licensee or operator to a sports governing body is confidential, unless disclosure is required by the board or division or court order

for enforcement or legal purposes and ordered to be made public in the course thereof. No such information shall be used for any commercial or marketing purposes by the recipient of any confidential information without the express written approval by the providing party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 48:57 (January 2022), LR 48:1860 (July 2022).

§505. Prohibited Parish; Geolocation, Geofencing; Proxy Servers

A. ...

B. Operators shall implement and abide by protocols and procedures to ensure a player is not utilizing remote desktop software, rootkits, virtualization, proxy servers, virtual private network, spoofing, or other means to disguise their physical location or their computer or device's physical location when placing a sports wager. Operators shall use, at a minimum:

B.1. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 48:57 (January 2022), LR 48:1861 (July 2022).

§509. Limitation on Active Accounts; Obligations to Players

A. An operator shall:

1. implement rules and procedures to limit each authorized player to one active and continuously used account and username;

2. implement rules procedures to suspend all accounts of any player that establishes or seeks to establish more than one username or more than one account, whether directly or by use of another person as a proxy, for illegal purposes and/or to circumvent any laws or regulations;

3. - 9.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 48:59 (January 2022), LR 48:1861 (July 2022).

§517. Advertising, Mandatory Signage

A. - E. ...

F. Licensees and operators shall provide on its sports wagering platform, any websites, and in all advertisements of sports wagering the toll-free telephone number available for information and referral services regarding compulsive or problem gambling as required in R.S. 27:27.3, and a problem gambling assistance message. The problem gambling assistance message shall be comparable to "IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, CALL [BOARD APPROVED NUMBER]" or "GAMBLING PROBLEM? CALL [BOARD APPROVED NUMBER]".

1. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement and shall comply with the requirements contained in this Section.

G. Licensees and operators shall comply with the provisions of §2927 of Part III of this Title and the following.

1. Exterior Print Advertisements

a. Exterior print advertising including, but not limited to, billboards shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

2. Print Advertisements

a. Print advertising which is handheld or which is customarily viewed by the person holding the advertisement including, but not limited to, newspapers, flyers, coupons and other forms of advertising shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

3. Radio Advertisements

a. Radio advertisements shall contain a problem gambling assistance message with a board approved problem gambling toll-free number.

4. Television and Video Advertisements

a. Television and video advertisements shall contain a problem gambling assistance message with a board approved problem gambling toll-free number. The message and number must either:

i. be visible throughout the entire time the advertisement is broadcast or displayed, with the height of the font used for the problem gambling assistance message and number being at least two percent of the height or width, whichever is greater, of the image that will be displayed; or

ii. be visible in a separate dedicated screen shot for at least three seconds of the advertisement, with the height of font used for the problem gambling assistance message and number being at least eight percent of the height or width, whichever greater, of the image that is displayed.

5. Web and Social Media Advertisements

a. All webpages and profile pages of any gaming-related advertisement shall contain a problem gambling assistance message with a board approved problem gambling toll-free number.

i. The height of the font of the problem gambling assistance message and number shall be at least the same size as the majority of the text used on the webpage or profile page.

H. - I. ...

J. Advertisements, public relations activities, and marketing campaigns of sports wagering platform providers shall identify the sports wagering licensee on behalf of whom it operates the sports book for purposes of said advertisement or campaign. For advertisements for mobile wagering, such as an app or website, the identifier must be

for the licensee(s) with whom the platform provider contracts for mobile wagering. The identifier shall be the logo whenever possible, but may be the name, logo, or d/b/a of the sports wagering licensee and/or a statement that indicates who the sports book is operated on behalf of. The identifier must be conspicuous and reasonable in size and font to be legible by the consumer.

K. Advertisements by applicants for a sports wagering license or sports wagering platform provider permit must include a statement indicating its license or permit is pending.

L. Licensees or operators shall delete or modify any advertisement which does not confirm to the requirements of this Section or is necessary for the immediate preservation of public peace, health, safety, and welfare of Louisiana residents.

M. Licensees or operators shall retain a copy of all advertising and marketing materials intended to promote any sports wagering operation in the state of Louisiana, which shall be made available to the division upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 48:60 (January 2022), LR 48:1861 (July 2022).

§707. Audits, Annual Review, and Periodic Reporting

A. - H. ...

I. If a licensee or their operator changes its fiscal year, the licensee or their operator shall prepare and submit to the division audited financial statements covering the period from the end of the previous business year to the beginning of the new business year not later than 120 days after the end of the period.

J. Each operator shall provide a quarterly report verifying of its net gaming proceeds and taxes paid. Quarters shall be based on the licensee's fiscal year.-The report shall be submitted to and received by the division not later than 60 days after the last day of the applicable quarter.

1. The audit for in-person sports wagering operations shall be performed by an independent CPA and may be incorporated into the work conducted during the quarterly audit of net gaming proceeds, gross gaming revenue, or net slot machine proceeds performed in accordance with §2711.I of Part III of this Title. The reports may be submitted in a single submission, but the information shall be separated between casino operations and sports wagering operations. The sports wagering operations audit shall include wagers accepted, eligible promotional play deducted from net proceeds, net gaming proceeds, and taxes paid. The auditor shall incorporate guidelines established by the division into current procedures for preparing the quarterly audit.

2. The required work for mobile sports wagering may be performed by an independent CPA, the operator's internal audit department, or other appropriate independent party approved by the division. The report shall include a reconciliation of amounts wagered, eligible promotional play deducted from revenue, net gaming proceeds, and taxes paid. The party performing the work shall incorporate guidelines established by the division into its procedures for preparing this quarterly report.

K. - M.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 48:66 (January 2022), LR 48:1862 (July 2022).

Ronnie S. Johns
Chairman

2207#009

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Commercial and Recreational Harvest of Southern Flounder (LAC 76:VII.351 and 353)

The Wildlife and Fisheries Commission does hereby amend two Rules (LAC 76:VII.351 and 353) by modifying existing southern flounder harvest regulations. Changes establish a closed season for the commercial and recreational harvest of southern flounder from October 15 through November 30 of each year. Changes eliminate outdated commercial rules established during a transitional time as some commercial gears were being banned. Authority for modification of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), R.S. 56:313, R.S. 56:320, R.S. 56:320.2, R.S. 56:326, R.S. 56:326.1, R.S. 56:326.3, and R.S. 56:492 to the Wildlife and Fisheries Commission. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§351. Commercial Harvest of Southern Flounder

A. Commercial Season

1. The commercial harvest of southern flounder (*Paralichthys lethostigma*) in Louisiana waters, by any means of take with any gear, is prohibited from October 15 through November 30 of each year.

B. Commercial Possession and Sale

1. A properly licensed commercial fisherman who is using legal gear, other than shrimp gear, may possess up to a daily limit of 10 southern flounder.

2. A properly licensed commercial fisherman may retain and possess all southern flounder caught as by-catch utilizing legal shrimp gear during an open shrimp season, provided that the commercial season for southern flounder is open.

3. Southern flounder legally possessed under this rule may be purchased, bartered, traded, exchanged or sold.

4. Nothing shall prohibit the possession or sale of southern flounder legally taken prior to the closure providing that all commercial dealers possessing southern flounder taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.4.

5. Commercial dealers possessing southern flounder legally imported into the state shall maintain appropriate records in accordance with other provisions of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:313, R.S. 56:320, R.S. 56:326, R.S. 56:326.3, and R.S. 56:492.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 22:1143 (November

1996), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 48:1862 (July 2022).

§353. Recreational Harvest of Southern Flounder

A. The daily take and possession limit for the recreational taking of southern flounder (*Paralichthys lethostigma*) caught within or without Louisiana waters shall be 10 fish per day and in possession.

B. Recreational harvest of southern flounder is prohibited from October 15 through November 30 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:1144 (November 1996), amended LR 48:1863 (July 2022).

Joe McPherson
Chairman

2207#006

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Hunting Regulations for the 2022-2024 Seasons
(LAC 76:XIX.Chapter 1)

The Wildlife and Fisheries Commission has amended the general and wildlife management area rules and regulations for the 2022-2023 season, the resident game hunting season for the 2022-2024 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2023 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2022-2023 hunting season. The department manages the take of resident game, outlaw quadrupeds and migratory birds in Louisiana and this action defines legal participants, sets the legal season bag limits along with legal methods of take and hunting season dates for the 2022-2023 hunting season for wildlife in Louisiana. The new hunting rules and regulations for the 2022-2023 and 2023-2024 seasons clarify opening and closing dates of certain hunting seasons; establishes new regulations for certain wildlife management areas (WMA); changes the rule for tagging and reporting of harvested deer and turkey; clarifies rules regarding regulations for private lands encompassed by WMA, houseboat mooring permits and youth shotgun deer season on Atchafalaya Delta WMA, limited use areas on Bodcau and Loggy Bayou WMAs, self-clearing permit regulations of Fort Polk-Vernon WMA, and reservation procedures for certain hunting blinds on Clear Creek and Fort Polk-Vernon WMAs; update references to hunting regulations of Fort Polk-Vernon and Peason Ridge WMAs and the firing range telephone number on Sherburne WMA; corrects the description of the procedure for purchasing turkey hunting licenses by mail; adds one day to the primitive firearms season on Camp Beauregard WMA, one day to the youth turkey lottery hunting seasons on Clear

Creek and West Bay WMAs, 15 days to the deer archery hunting season on Tunica Hills WMA; modifies the timing of the general lottery hunt on Bayou Pierre WMA, the mourning dove season on Elbow Slough WMA, the physically challenged wheelchair confined hunt on Buckhorn WMA, and the youth lottery hunts on Dewey Wills, Buckhorn and Floy McElroy WMAs; prohibits the use of weapons other than archery gear to harvest deer within the limited use area of Bodcau WMA; removes a requirement to possess a permit to use the bird dog training area on Bodcau WMA; prohibits the harvest of antlerless deer during the primitive and modern firearm seasons on Joyce, Maurepas Swamp and Salvador WMAs; prohibits trespassing on the water control structures on Pointe-Aux-Chenes WMA; moves the opening day for primitive firearms season on Sherburne WMA from Friday to Saturday after Thanksgiving, shortening the season by one day; opens all of Caddo Parish to turkey hunting and shortens the state seasons for falconry hunting for woodcock, rails, gallinules, and ducks by one day. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018), LR 45:933 (July 2019), LR 46:957 (July 2020), LR 47:901 (July 2021), LR 48:1863 (July 2022).

§103. Resident Game Birds and Animals

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	30
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	24

Species	Season Dates	Daily Bag Limit	Possession Limit
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	9
Deer 2022-2023	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Areas 4 and 10 limit 3/season

Species	Season Dates	Daily Bag Limit	Possession Limit
			(not to exceed 2 antlered or 2 antlerless deer).

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2022-2023

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. (EITHER SEX) CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas (EITHER SEX).

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: after 7 days	OPENS: 3rd Sat. of Oct. CLOSES: 38 days after Thanksgiving Day	

D. Deer Hunting Schedule 2023-2024

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years except when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years except when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat before Thanksgiving Day except when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: 38 days after Thanksgiving Day	

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Atchafalaya Delta, Pass-a-Loutre and Salvador/Timken. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018), LR 45:934 (July 2019), LR 46:957 (July 2020), LR 47:901 (July 2021), LR 48:1863 (July 2022).

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle, archery gear, air rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or

daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of “hunter orange” and wear a “hunter orange” cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the Lafayette Field Office, (337) 735-8672.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredated or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredaters and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredate order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1-April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. DMAP participants must follow the deer season schedule established for their respective areas, EXCEPT antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this Section means any animal of the family *Bovidae* (except the tribe *Bovini* [cattle]) or *Cervidae* which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. *Exotics* shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

Supplemented Hunting Preserve—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

- i. farm-raised white-tailed deer: consult the regulations pamphlet;
- ii. exotics: year round.

c. Methods of take:

- i. white-tailed deer: same as outside;
- ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.

d. Shooting hours:

- i. white-tailed deer: same as outside;
- ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag limit:

- i. farm-raised white-tailed deer: same as outside;
- ii. exotics: no limit.

f. Hunting licenses:

- i. white-tailed deer: same as outside;
- ii. exotics: no person shall hunt any exotic without possessing a valid basic and deer hunting license.

g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid basic hunting license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A basic hunting licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A basic hunting licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

3. A deer or turkey license, whichever is appropriate, is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. Additionally, any person younger than 18 years of age engaged in an activity that necessitates the use of deer tags or turkey tags, or involves participation in a youth lottery hunt shall have in their immediate possession a valid, original youth license.

4. A hunting guide license is required for any person or entity who publicly represents himself to be a hunting

guide or who transports, aids or provides assistance to another individuals(s) in the act of taking, or attempting to take, any wildlife species for compensation on a transactional or for-hire basis. For purposes of this rule, a hunting guide license is not required for any person or entity employed or contracted by a private hunting club to provide hunting guide services exclusively for the club's private members and its invited guests.

5. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

6. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)(a-b)].

7. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found predated commercial crops of pecans may be taken year-

round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

8. Threatened and endangered species. Taking or harassment of any of these species is a violation of state and federal laws. (LAC 76:I.317)

1. Invertebrates		
Pink Mucket	<i>Lampsilis abrupta</i>	E
Louisiana Pearlshell	<i>Margaritifera hembeli</i>	T
Fat Pocketbook	<i>Potamilus capax</i>	E
Inflated Heelsplitter	<i>Potamilus inflatus</i>	T
Rabbitsfoot	<i>Quadrula cylindrica</i>	T
2. Fish		
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	T
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	E
Smalltooth Sawfish	<i>Pristis pectinata</i>	E
3. Amphibians		
Dusky Gopher Frog	<i>Lithobates sevosus</i>	E
4. Reptiles (including eggs)		
Loggerhead Sea Turtle	<i>Caretta caretta</i>	T
Green Sea Turtle	<i>Chelonia mydas</i>	T
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	E
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	E
Leatherback Sea Turtle	<i>Dermodochelys coriacea</i>	E
Ringed Map Turtle	<i>Graptemys oculifera</i>	T
Gopher Tortoise	<i>Gopherus polyphemus</i>	T
Black Pinesnake	<i>Pituophis melanoleucus lodingi</i>	T
Louisiana Pinesnake	<i>Pituophis ruthveni</i>	T
5. Birds (including eggs)		
Whooping Crane	<i>Grus americana</i>	E
Piping Plover	<i>Charadrius melodus</i>	T
Red Knot	<i>Calidris canutus rufa</i>	T
Interior Least Tern	<i>Sterna antillarum athalassos</i>	E
Red-cockaded Woodpecker	<i>Picooides borealis</i>	E
6. Mammals		
West Indian Manatee	<i>Trichechus manatus</i>	T
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	T
Sperm Whale	<i>Physeter macrocephalus</i>	E
Florida Panther	<i>Felis concolor coryi</i>	E
7. Plants		
American Chaffseed	<i>Schwalbea americana</i>	E
Earth-fruit	<i>Geocarpon minimum</i>	T
Louisiana Quillwort	<i>Isoetes louisianensis</i>	E
Pondberry	<i>Lindera melissifolia</i>	E
E = Endangered; T = Threatened		

9. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters. On private property, outlaw quadrupeds may be taken with or by means of an automatic-loading or hand-operated repeating shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition and may be taken while riding or standing in or upon a moving land vehicle.

10. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral

hogs), nutria, or beaver during nighttime hours. However, no person shall be allowed to participate or be present during the nighttime hunting activities if convicted of a Class 3 or greater wildlife violation within the previous five years or if he has any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds, nutria, or beaver under the provisions of the Paragraph, shall notify the Sheriff of the Parish in which the property is located of his intention to attempt to take outlaw quadrupeds, nutria or beaver within twenty-four hours prior to the attempted taking or immediately upon taking the animal.

11. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

12. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and deer or turkey or youth license number, whichever is the appropriate license, of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. See DMAP Regulations (LAC 76:V.111) for deer management assistance tagging requirements on lands enrolled in DMAP.

13. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until a deer has been appropriately tagged and validated, and proof of electronic tagging or the carcass tag remains with the carcass, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game. Possessors of any portion of a deer or wild turkey, which has been divided in camp or field, without evidence of positive sex identification shall affix a tag in accordance with LAC 76:XIX.111.D.11 identifying the sex of the animal.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain carcass or electronic deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass or electronic tag. If using physical tag, the parish and date of kill must be documented on the deer tag and the hunter must validate the harvest by calling the

validation toll free number or by utilizing the department's website within 72 hours of the kill. Hunters utilizing electronic tags shall electronically tag and validate their harvest before moving the deer. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets.

2. 2022-2023 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

3. 2023-2024 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days. Deer harvested on property enrolled in DMAP may not count in the season or daily bag limit for hunters. See DMAP Regulations (LAC 76:V.111) for more information.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A dog may be used to trail and retrieve wounded or unrecovered deer. The dog must be leashed during legal hunting hours, but may be unleashed after legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. It is unlawful to import, sell, use or possess scents or lures that contain natural deer urine or other bodily fluids, except natural deer urine products produced by manufacturers or entities that are actively enrolled and participating in either the Responsible Hunting Scent Association (RHSA) or Archery Trade Association Deer Protection Program, which has been tested using real-time quaking induced conversion (RT-QuIC) and certified that no detectable levels of Chronic Wasting Disease (CWD) are present and is clearly labeled as such.

12. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. A deer or senior license, whichever is appropriate, is required for all hunters 18 years of age and older. Additionally, any person younger than 18 years of age hunting the primitive firearms season shall have in their immediate possession a valid, original youth license. Either-sex deer may be taken in all areas open for deer hunting except when a Bucks Only season is in progress. In such cases, hunters must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest.

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including sabot bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

13. Archery Season. A deer or senior license, whichever is appropriate, is required for all bow hunters 18 years of age and older. Additionally, any person younger than 18 years of age archery deer hunting shall have in their immediate possession a valid, original youth license. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations except antlerless deer may be harvested any day of the deer season on property enrolled in DMAP provided that a DMAP tag is possessed by the hunter at the time of harvest. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA.

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a deer or turkey season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

14. Hunter Orange or Blaze Pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a "hunter orange" or "blaze pink" cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a "hunter orange" or "blaze pink" cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

15. Physically Challenged Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

16. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Additionally, any person younger than 18 years of age shall have in their immediate possession a valid, original youth license. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except youths 12 years old or older who have successfully completed a hunter safety course may hunt without a

supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD_214 equivalents:

i. pre DD 214 era documents (1941_1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB_22 with 6 or more years of service.

F. Description of Areas, 2021-2023

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carrol.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Brake;

vi. Richland—all;

vii. West Carroll.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

ii. Avoyelles—that portion west of I-49;

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

v. Grant—all except that portion south of LA 8 and east of US 165;

vi. Jefferson Davis—north of US 190;

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria.

North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

a. Portions of the following parishes are open:

i. Acadia—north of I-10;

ii. Allen—west of US 165 and south of LA 10;

iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

i. Acadia—north of I-10;

ii. Allen—south of US 190 and west of LA 113;

iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion west of I-110 and west of US 61;

ii. East Feliciana—east of US 61;

iii. Livingston—north of I-12;

iv. Tangipahoa—north of I-12;

v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25.

5. Area 5

a. Portions of the following parishes are open:

i. St. Martin—south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary—east of the West Atchafalaya Basin Protection Levee;

v. High water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and

north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parish is open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61;

iii. East Feliciana—west of US 61;

iv. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

v. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

vi. Lafayette—north of I-10 and east of I-49;

vii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

viii. St. Landry—east of US 167;

ix. St. Martin—north of I-10;

x. West Baton Rouge—north I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. All privately owned property which is completely surrounded by a wildlife management area shall be subject to all state hunting and fishing provisions, including those provisions regarding seasons. Such private property shall not be subject to the special hunting and fishing provisions which govern the wildlife management area, except that deer may not be taken with the aid of dogs. However, the owner or lessee of such property shall be required to participate in the deer management assistance program provided for in R.S. 56:110. In addition, the owner or lessee of such property shall not be allowed to hunt, trap or take resident game by the aid of baiting or placing bait intended to attract or entice the resident game to the area where hunters are attempting to take them.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of American lotus (*grande volée*, *Nelumbo lutea*) seeds and pods, soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal antlered deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health.

n. Free ranging livestock prohibited.

o. Operation of drones or unmanned aerial vehicles (UAV) on WMAs is prohibited.

p. Operating, modifying, tampering with or altering any water control structures on WMAs is prohibited.

q. Limited Access Areas (LAA): Operation of internal combustion powered vessels prohibited September through January. Operation of trolling motors allowed. A *trolling motor* is defined as a self-contained unit that includes a completely submerged electric motor at the end of the shaft, propeller and controls, and is affixed to a vessel, either at the bow or stern. Vehicles prohibited November through January. Limited access areas are on Atchafalaya Delta, Boeuf, Dewey W. Wills, Joyce, Manchac, Pass-a-Loutre, Pointe-aux-Chenes and Russell Sage WMAs. See WMA maps for specific locations.

2. Permits

a. A valid WMA access permit shall be required for use of department-administered lands including wildlife refuges, Wildlife Management Areas (WMA) and Wildlife Conservation Areas (WCA). Persons under 18 years of age are exempt from this requirement.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs. The self-clearing permit will consist of two portions: check in, check out. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper Self-Clearing Permit from an information station, check in portion must be completed and put in a permit box before each day's activity. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is

waived for the youth. Additionally, any youth participating in the hunt shall have in their immediate possession a valid, original youth license. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, two per person per day, during daylight hours only, during the open hunting season in progress on WMAs.

Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs (consult regulations pamphlet for specific WMA regulations):

- i. centerfire rifles;
- ii. centerfire break-action and centerfire bolt-action handguns;
- iii. centerfire scoped handguns;

iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs, except Floy McElroy WMA, the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, except bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lafayette, Lake Charles, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically

challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youths 17 or younger may use any legal weapon during the primitive firearm season.

6. Camping

a. A WMA camping permit is required for all persons camping on WMAs. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five-year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is a wheeled or tracked off-road vehicle (not legal for highway use) with specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, wheeled or tracked, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires or tracks, with specifications not to exceed the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, “mud crawling vessels” (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs except Bussey Brake WMA from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, or persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer’s specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only. When WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open year round will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1

through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV or electric bicycle except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken, Lake Boeuf, Biloxi, and the Crusel Tract of Maurepas Swamp WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located;

iv. UTV’s may not be used to retrieve downed deer or hogs.

p. No wake zones. Operation of vessels beyond bare steerage speed (the slowest speed a vessel can travel while allowing the operator to maintain directional control of the vessel) in posted no wake zones is prohibited.

q. Electric bicycles are restricted to designated roads and ATV/UTV trails.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, and Pass-a-Loutre. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire handguns in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-Clearing Permit required for all activities.

i. Archery only: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

ii. All other seasons closed. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to Red Cockaded Woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-Clearing Permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreational areas. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Pineville or Baton Rouge Offices for details and applications. PCHP blind hunting by reservation for Class I, III and IV PCHP permittees only.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex. PCHP blinds: Oct. 1-Oct. 7, either sex.

(b). Firearms: First Sat. of Nov. for 2 days, either sex. Mandatory Deer Check; Fri. after Thanksgiving Day for 3 days, bucks only. PCHP blinds: Fri. after Thanksgiving Day for 3 days, bucks only; 4th Sat. of Oct. for 2 days, 1st Sat. of Nov. for 2 days, Mandatory Deer Check; 2nd Sat. in Dec. for 2 days, 3rd Sat. in Dec. for 2 days, either sex.

(c). Primitive Firearms: 2nd Sat. of Oct. for 2 days. Mandatory Deer Check.

ii. Small Game: Same as outside except closed during primitive firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: Same as outside. (Certain areas may be closed as posted).

c. Atchafalaya Delta. Self-Clearing Permit required for all activities. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA Self-Clearing Permit from an information station located at Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed ONLY in designated campgrounds. Houseboat mooring allowed by permit only during hunting season (see Subparagraph G. 6. Camping b. for details) and by normal means during remainder of the year. Vessels/Vehicles: Mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited except as permitted for authorized WMA trappers. Big Island: Except for youth deer hunting (provided for below), all other hunting closed from October 1 through the last day of youth deer seasons. Main Delta area closed to all hunting except for youth deer hunting during youth deer seasons.

i. Deer Archery (either-sex): Oct. 1 - Jan. 31 on Main Delta only; no deer hunting on Wax Lake Delta.

ii. Deer Youth Shotgun (buckshot only, either-sex) and Archery (either-sex): 1st Sat. of Oct. for 2 days; 2nd Sat. of Oct. for 2 days on Main Delta only; no deer hunting on Wax Lake Delta.

iii. Small Game: Same as outside except Rabbit Only:

(a). Wax Lake Delta: 1st Sat. of Oct. through last day of Feb. Beagles prohibited November through January.

(b). Main Delta: 1st day of Feb. through last day of Feb. with or without beagles. Closed October through January.

iv. Waterfowl: Same as outside, except shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and except shooting hours are the same as outside for the Youth Hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

d. Attakapas. Area closed to all except Youth Deer Hunters when the Youth deer season is open.

i. Deer:

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): 3rd Saturday of January for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except small game hunting closed during either-sex modern firearms seasons closed during youth deer seasons and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area Closed: To all except Youth Deer Hunters last Sat. of Oct. for 2 days. All night activities prohibited except as otherwise provided.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms: Either sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Primitive Firearms: 3rd Sat. of Dec. for 9 days.

ii. Turkey: General Lottery: Last Sat. of Area B season for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: (Nighttime): Sept. 1st for 16 days and 1st Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl Refuge is closed to all hunting, trapping and fishing except for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden Office for details for lottery hunts listed below at 318-371-3050.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Dove: Same as outside.

iii. Waterfowl Lottery Only: (Designated Portion)

(a). Lottery Youth Hunt: Same as outside youth waterfowl hunt.

(b). General Lottery Hunt: 2nd weekend of 1st split and 1st weekend of 2nd and 3rd splits of the West Zone season.

iv. Other Small Game: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

v. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Monroe or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and 2nd Sat. of Dec. for 16 days, bucks only.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex.

ii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. 1st to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and

training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. All nighttime activities prohibited.

h. Big Lake. Area closed to all south of Big Lake and Crystal Roads when youth deer season is open. North of Big Lake and Crystal Roads open to all activities.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season closes for 14 days.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.

iii. Small Game: Same as outside except closed during either-sex firearms seasons and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Waterfowl: Same as outside except closed during either-sex modern firearms seasons.

v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.

vi. Sport Fishing: yoyos, limblines and trotlines prohibited on Big and Chain Lakes.

vii. Commercial fishing: commercial fishing is prohibited.

i. Biloxi. Self-Clearing Permits required for all activities. Vessels/Vehicles: All airboats, ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited. Dogs are prohibited except retrievers allowed for waterfowl hunting. No structures may be erected including fixed or permanent blinds of any type.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Deer Archery (either-sex): Oct. 16 - Jan. 31

ii. Small Game and Waterfowl: Same as outside except closed to squirrel hunting during the spring season.

j. Bodcau. Area closed to all except Youth deer hunters during the Youth Deer Hunt on designated portion. Limited Use Area: Small game and waterfowl same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Sat. after 2nd Fri. of Oct. for 2 days, either-sex on designated portion.

(c). Firearms either-sex: Last Sat. of Oct. to the Sun. after Thanksgiving Day. Last Sat. of Oct. and Sun. after last Sat. of Oct., Mandatory Deer Check.

(d). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Turkey

(a). Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

(b). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. 4th Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during the youth deer hunt on designated portion and entire area 1st 2 days of modern firearms deer season except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Day after firearms deer season ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon: (Nighttime) Day after firearms deer season ends to the last day of Feb.

v. Bird Dog Training Area: Open all year except closed during WMA Turkey Season. Contact Minden Office for information.

vi. Fishing: Nets and traps prohibited on Ivan Lake.

k. Boeuf. Area Closed to all south of LA 4 except Youth Deer Hunters when youth deer season is open. North of LA 4 open to all activities. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: 2nd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. - Mandatory Deer Check, Sun. - Self-Clearing Permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after the close of Firearms Bucks Only for 14 days. 2nd Sat. of Nov. for 7 days.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside except closed during Deer Either-sex modern firearms season, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat.

of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

l. Buckhorn. Area Closed: Last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit; and 2nd Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge Offices for further details.

(g). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec. except when either of those days falls on Dec. 24 or 25, then it will be the 3rd weekend of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: 2nd weekend and last consecutive Sat. and Sun. of Dec. except when either of those days falls on Dec. 24 or 25, then it will be the 3rd weekend of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearm season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (Nighttime): Day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all hunting and trapping activity. Recreational fishing and all other allowed non-consumptive uses only. No personal watercraft or water skiing. No camping. No ATVs/UTVs or electric bicycles allowed. No motorized vehicles of any type allowed on reservoir levee except at boat launch for purpose of launching boat or to access fishing pier. Pulling boats over levees or any other activities that cause detriment to the levees is prohibited. Horseback riding and non-motorized bicycles are allowed only on the designated trail named Levee Trail (see map at boat launch kiosk). Access is granted at two marked locations, adjacent to the boat launch and just beyond the boat launch parking area. No tying boats to channel marker poles. A No-Wake Zone is in effect in the harbor inside the wave break. No boats allowed within 30 feet of fishing piers.

i. Fishing: Fish may be taken only by rod and reel or cane pole for recreational purposes. All types of nets, including but not limited to gill nets, trammel nets, hoop nets, wire nets, fyke nets and fish seines are prohibited.

Trotlines, yo-yos, limb lines, stump lines, slat traps, jugs, cans, and pipes are prohibited. Shoreline (non-boat) fishing only allowed at designated locations. No fishing or lake access from rocks along interior of reservoir levee.

(a). Black Bass (*Micropterus spp.*)

(i). Daily limit: recreational daily creel limit shall be fish (5) fish, in the aggregate;

(ii). Possession limit: possession limit shall be five (5) fish while on water and ten (10) fish while off water, in the aggregate;

(iii). Length: the maximum total length limit shall be 16 inches, with the exception that one fish over 16 inches may be kept.

(b). Crappie (*Pomoxis spp.*)

(i). Daily limit: recreational daily limit shall be 25 fish in the aggregate;

(ii). Possession limit: possession limit shall be 25 fish while on water and 50 fish while off water, in the aggregate;

(iii). Length: the minimum total length shall be 10 inches.

(c). Bream (*Lepomis spp.*)

(i). Daily limit: recreational daily creel limit shall be 50 fish, in the aggregate;

(ii). Possession limit: possession limit shall be 50 fish while on the water and 100 while off the water in the aggregate;

(iii). Length: no minimum length.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in Restricted Areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area Closed: To all except Youth Deer Hunters 2nd full weekend in November.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 2nd full weekend in November, either-sex on designated portion of the WMA.

(c). Firearms Bucks Only: Dec. 26-Jan. 1.

(d). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. All deer harvested must be brought to Rifle Range Road Weigh Station. 2nd Sat. of Dec. for 2 days Self-Clearing Permit.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside, except closed during either-sex gun hunts for deer and except closed to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (Nighttime): Last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: Special regulations to be posted at Twin Lakes.

o. Clear Creek. Area Closed to all except Youth Deer Hunters when the Youth Deer Season is open. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge Offices for details and

applications. Hunting blind reservations for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: Next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, Mandatory Deer Check and Fri. after Thanksgiving for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after 2nd Sat. of April for 21 days.

(b). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex gun hunts and except spring squirrel season will be open 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Area Closed: to all except Youth and Physically Challenged Deer Hunters during the Physically Challenged and Youth Deer Hunt only on that portion of the area north of the Diversion Canal. High Water Benchmark Road Closures: Hunt Road (South of the Catahoula Lake Diversion Canal) and Muddy Bayou Road east of Nolan Bayou Road will be closed when water levels at the Larto Lake gauge reaches 45.0 ft. msl, and will reopen when water levels recede to 43.0 ft. msl, and Muddy Bayou Road west of the intersection of Nolan Bayou Road and Sandy Bayou Road will be closed when water levels at the Larto Lake gauge reaches 42.0 ft. msl and will reopen when water levels recede to 40.0 ft. msl.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: Last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to Physically Challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: 1st Sat. of Dec. for 2 days, 1st Sat. of Jan. for 2 days except when Jan. 1 falls on one of those days, then there will be no hunt that weekend, 2nd Sat. of Jan. for 2 days, and 3rd Sat. of Jan. for 2 days, either-sex. Contact Pineville Office (318-487-5885) for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. No hunting allowed in the greentree

impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: 2nd Sat of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except closed during Physically Challenged and Youth Deer Season north of the Diversion Canal and the entire area during the either-sex firearm hunt except waterfowl hunting will be allowed in the greentree impoundment during the firearm either-sex season and open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after Firearms Bucks-Only season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct. to the 3rd Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: Limited to 100 pounds per person per day.

vi. Larto Tracts: All season dates on Larto Tracts (see WMA map) same as outside, except deer hunting restricted to archery only. All vehicles, including ATVs, are prohibited.

q. Elbow Slough.

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during 1st and 2nd split of the outside season, and except by lottery only opening Sat. and 2nd Sat. of 1st 8 days of 1st split. Applications available at Pineville office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. Crawfish: March-July. Limit: 100 lbs. per person per day. Recreational crawfishing only. No traps or nets left overnight.

iv. Woodcock: Same as outside.

v. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the 4th Sat. of Dec. for 9 days.

(d). Primitive Firearms: Next to last Sat. in Jan. for 2 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel

hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe Wildlife Field Office at 318-343-4045 for information.

i. Deer: limit 1 deer per participant per weekend for all hunts.

(a). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec. except when either of those days falls on Dec. 24 or 25, then it will be the 3rd weekend of Dec., and 2nd consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: 1st Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: 1st weekend in Dec. Hunt restricted to those that have successfully completed the Becoming an Outdoors Woman Deer Management Course. Must be Hunter Education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Check LDWF Hunting Pamphlet for information on open areas and special ATV regulations. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles Office for details and applications. Hunting blind reservations for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Archery Only Area, check locally at Building 2396 on 22nd St., either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days, Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days mandatory deer check, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

v. Fishing: Special regulations pertaining to fishing are posted at specific lakes.

vi. Experimental Hunting Area: Refer to Fort Polk WMA Hunting Map: Small game and squirrel hunting with dogs allowed Mon. after Thanksgiving Day to last day of Feb. in Mill Creek 2 Alpha (MC2A) and Mill Creek 2 Bravo (MC2B) Mill Creek Unit. This area will be closed to deer and hog hunting during this time.

u. Grassy Lake. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: Last Sat. of Oct. for 2 days.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): 2nd Saturday of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Sport Fishing: Same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou Headquarters or Lafayette Field Office.

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days, day after primitive firearms season ends for 12 days, and day after bucks only firearm season ends to the last day of Feb.

vii. Crawfish: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek.

i. Deer:

Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game and Waterfowl: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs

allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.

w. J. C. Sonny Gilbert. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after close of Firearms Bucks Only for 14 days.

ii. Turkey

(a). General Lottery: Opening day of statewide season for 9 days, with 3 consecutive 3 day hunts.

(b). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearms seasons for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (Nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: Restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. Joyce. Swamp Walk: Closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Bucks only: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms (bucks only): 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

y. Lake Boeuf. Self-Clearing Permit required for all activities. Self-Clearing Permit available at Theriot Canal

boat landing off LA 308. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Archery (either-sex): Oct. 16 - Jan. 31

ii. Waterfowl: Same as outside.

iii. Small Game: 1st day of Nov. to the last day of Feb. and open to squirrel hunting during the spring season from the 1st Sat. of May for 9 days, with or without dogs. Beagles prohibited November and December.

z. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.

i. Deer

(a). Archery only, Oct. 1-Jan. 31, either-sex.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.

iv. Foot traffic only - All vehicles restricted to Parish Roads, except ATVs allowed for hunters retrieving downed deer or feral hogs.

v. Bird Dog Training Area: Open all year except closed during WMA Turkey Season. Contact Hammond Office (985-543-4777) for information.

aa. Little River

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Bucks Only: Last Sat. of Oct. for 16 days.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, and 2nd Sat. of Dec. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Raccoon

(a). Nighttime: Mon. after 2nd Sat. of Jan. to last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.

iv. Small Game and Waterfowl: Same as outside except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

v. Crawfish: March-July. Limit: 100 pounds per person per day. Recreational crawfishing only. No traps or nets left overnight.

bb. Loggy Bayou. Limited Use Area: Small game and waterfowl same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

- (c). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.
 - ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms seasons for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.
 - iii. Raccoon (Nighttime): Sat. before Christmas to the last day of Feb.
- cc. Manchac
 - i. Deer
 - (a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.
 - ii. Small Game and Waterfowl: Same as outside except steel shot required for rails, snipe and gallinules and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.
 - iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.
 - iv. Crabs: No crab traps allowed. Attended lift nets are allowed.
- dd. Marsh Bayou
 - i. Deer: Same as outside, Archery Only, Either-sex.
 - ii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.
 - iii. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.
 - ee. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of Nature Trail. Benchmark Closure: Area Closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. gage height and reopens to deer hunting when water levels recede to 2.5 ft. gage height following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract). Limited Use Area: Small game same as outside except shotgun only. Deer hunting archery only. See WMA map for specific location. Area Closed to all hunters except Youth Deer Hunters during Youth Deer Season. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Hammond Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.
 - i. Deer
 - (a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.
 - (b). Youth: 1st Sat. of Nov. for 2 days, either-sex.
 - (c). Firearms Bucks only: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, and Sun. Self-Clearing Permit
 - (d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.
 - (e). Primitive Firearms (bucks only): 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan. for 7 days.
 - ii. Small Game and Waterfowl: Same as outside except closed Friday after Thanksgiving Day for 3 days during either-sex firearms hunts and closed during youth deer season and except spring squirrel season will be open the 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.
 - (a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.
 - iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.
 - iv. Crawfish: Limited to 100 pounds per person per day.
 - ff. Pass-A-Loutre. Self-Clearing Permit required for all activities. Permits available at Pass-a-Loutre Headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed ONLY in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. Sept. 1 - Jan. 31, except allowed after 2 p.m. in South Pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass.
 - i. Deer
 - (a). Archery (bucks only): Oct. 1- Feb.15.
 - (b). Youth Shotgun bucks only: second to last Sat in Oct. for 2 days.
 - (c). Deer Shotgun: Bucks only may be taken with shotguns with either slugs or buckshot for seven days starting the day after the closure of the first split of duck season.
 - ii. Small Game and Waterfowl: Same as outside. Beagles prohibited October through last day of waterfowl season.
 - iii. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hogs may be taken with the aid of dogs Feb. 16 - March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.
 - iv. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.

gg. Pearl River. Shooting range: Self-clearing permit not required but all range users must obtain a daily check in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or www.honeyisland.org. No loaded firearms or hunting within 100 yards of Boardwalk. All roads closed 8 p.m. - 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl hunting south of Hwy. 90 will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the Nature Trail. Observe "No Hunting" signs. Area Closed to all hunters except Youth Hunters during Youth deer hunt.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2 Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days.

(b). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game: Same as outside except closed the Friday after Thanksgiving Day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Waterfowl: Same as outside except no hunting in Waterfowl Refuge Area and except closed Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: Commercial crawfishing prohibited. Limited to 100 pounds per person per day.

hh. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Check LDWF Hunting Pamphlet for information on open areas and special ATV regulations. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex except restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days. Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days mandatory deer check, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

ii. Pointe-Aux-Chenes. All nighttime activities prohibited. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Parking of vehicles on levees prohibited. Vessels/Vehicles: All boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited. Fishing, crabbing, cast netting or any other activities or trespassing on water control structures are prohibited.

i. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All Point-aux-Chenes Property except Point Farm Unit and Restricted Areas

ii. Deer

(a). Archery (bucks only): Oct. 1-15.

(b). Archery (either-sex): Oct. 16 - Feb. 15.

(c). Firearms (bucks only): Fri. after Thanksgiving Day for 3 days and 2nd Sat. of Dec. for 7 days.

iii. Waterfowl: Same as outside.

iv. Small Game: Same as outside except closed during bucks only firearms season and open to squirrel hunting during the spring season from the 1st Sat. of May

for 9 days, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All castnet contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster Harvesting Prohibited.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. No drop net is allowed to be left unattended at any time. A maximum of 12 drop nets may be possessed/attended per boat or vehicle. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). An approximately 1300-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School, the Point Farm levee and the WMA boundary, and on the north by the WMA boundary, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. Except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): 1st Sat. of Oct. for 2 days, 2nd Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs, 337-735-8667 for details.

(ii). Archery (either-sex): Oct. 16 – Jan. 14

(b). Waterfowl: Closed

(c). Small Game: Same as outside, except closed until the day after the last youth deer hunt day and open to squirrel hunting during the spring season from the 1st Sat. of May for 9 days, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning Dove: Hunting will be permitted each day during the September split and each day of the second and third splits (AFTER the last youth deer hunt day). Shooting hours will be from 1/2 hour before sunrise until sunset, except opening day of the first split, which will be 12:00 pm (noon) until sunset. Gates will be opened on Saturdays during the first and second segments, weather permitting, except during waterfowl season and Youth Deer

Hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

jj. Pomme de Terre. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(e). Primitive Firearms: 2nd Sat. of Dec. for 2 days.

ii. Turkey: 4th Sat. of April for 9 days.

(a). Youth Lottery: 3rd Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunt for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Permitted Monday through Friday except closed during duck season. Commercial Fishing Permits available from area supervisor, Lafayette Wildlife Field Office or Spring Bayou Headquarters.

vi. Sport Fishing: Same as outside except allowed after 2 p.m. during waterfowl season, and except allowed after 10 a.m. during early Teal Season.

vii. Crawfish: March 15-July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

kk. Richard K. Yancey. Area closed on that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. The remainder of the WMA is open to all users.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Lottery: 3rd and 4th Sat of Dec. except if the 4th Sat. is Christmas Day, then the hunt will be the 2nd and 3rd Sat. of Dec. and the 1st and 2nd Sat. in Jan. except when the 1st Sat. of Jan. is New Year's Day then the hunt will be the 2nd and 3rd Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(e). Firearms Bucks Only: Last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): 2nd Saturday in December for 2 days.

ii. Turkey: Opening day of statewide season for 9 days except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during the either-sex firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 12 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Quail: Closed.

v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

vi. Crawfish: Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vii. Sport Fishing and Commercial Fishing: Same as outside except closed from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, Moreau Lake, and Hog Pen Lake during open waterfowl seasons, except during early Teal Season, recreational fishing allowed after 10 a.m.

ll. Russell Sage. Area Closed: Last Sat. of Oct. for 2 days South of I-20 only to all except Youth and Physically Challenged Deer Hunters. North of I-20 open to all other allowable activities. Wham Brake: September 1-Jan. 31 all motorized vessels prohibited 2 p.m.-4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: North of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, except hunting allowed during Falconry Waterfowl Season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Chauvin Tract: All season dates on Chauvin Tract (US 165 North) same as outside, except still hunt only, except deer hunting restricted to archery only, and except small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: Waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e) Primitive Firearms: Mon. after Firearms either-sex season for 7 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms deer seasons, except Wham Brake area, South Bosco Tract and Pintail Alley area will remain open during either-sex firearms deer seasons, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31. Snipe hunting after 2 p.m. prohibited during duck season. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): 1st Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

mm. Sabine. Area Closed: To all activities 3rd Sat. of Oct. for 2 days to all but Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: 3rd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: 4th Sat. of Oct. for 2 days, Fri. after Thanksgiving Day for 3 days, Self-clearing Permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving Day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the 4th Sat. in Oct. for 7 days.

ii. Turkey

(a). General Lottery: 2nd Fri. of April for 3 days, 4th Fri. of April for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

nn. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-Clearing Permits required for hunters only. Area Closed: 4th Sat. of Sept. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Same as Area 8 Deer Season except still hunt only.

(b). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(c). Youth: 4th Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: Same as outside except closed 4th Sat. of Sept. for 2 days and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after Area 8 deer season ends to last day of Feb.

iii. Raccoon (Nighttime): Day after Area 8 deer season ends to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from 3rd Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

oo. Salvador/Timken. Self-Clearing Permit required for all activities. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. AREA Closed: During the month of October to all activities except fishing, Youth Deer Hunters and Youth Waterfowl Hunters, if the latter is provided for.

i. Deer

(a). Archery (either-sex): Nov. 1 - Jan. 31

(b). Youth (either-sex): Last 4 Sats. of Oct. for 2 days each except when the last Sat. is the 31st in which case the season will be the 1st four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (bucks only): Mon. before Thanksgiving Day for 28 days.

(d). Deer Primitive Firearms (bucks only): Day after Firearms Bucks Only for 7 days.

ii. Waterfowl: Same as outside.

iii. Small Game: Same as outside except closed October through December. Beagles allowed for rabbits Jan. through last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately.

vii. Fish: may be taken only by rod and reel or hand lines for recreational purposes.

viii. Crabs: may be taken only through the use of hand lines or nets; however, none are to remain set

overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

ix. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental Nighttime Activity Season:

(a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities LIMITED to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

(b). Size Limit: (Measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

pp. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: North tract closed to all hunters 1st Sat. of Nov. for 2 days, except Youth and Physically Challenged Deer Hunters.

i. Deer

(a). Youth/Physically Challenged: 1st Sat. of Nov. For 2 days, either-sex.

(b). Archery: Oct. 1-Jan. 31, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, and 3rd Sat. of Dec. for 2 days.

(d). Primitive Firearms: 2nd Sat. of Dec. for 7 days, 4th Sat. of Dec. for 7 days, and the 1st Sat. of Jan. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside except closed Fri. after Thanksgiving for 3 days and Youth/Physically Challenged hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: 1st day and 2nd Sat. through end of 1st split. Closed remainder of 1st split. Second and third splits are same as outside except Youth Hunt on Northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The

supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of Mourning Dove Season to the Sun. before opening of Quail Season and Feb. 1 to last day of Feb., except restricted to that portion south of LA Hwy. 10 only and except blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: An area has been designated to allow use of released birds for dog training purposes. Open all year except closed during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the 1st segment of dove season. Contact Hammond Office (985-543-4777) for information.

viii. Bird Dog Field Trials: Permit required from Hammond Office.

ix. Horseback Riding: Self-clearing Permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

qq. Sherburne. The area known as the South Farm is located on the East Side of Sherburne WMA. No hunting will be allowed except specified lottery hunts, within the levee system of the farm from the Fri. before the 1st lottery youth deer hunt on the South Farm until the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area Closed: Last Sat. of Oct. for 2 days except to Youth and Physically Challenged Deer Hunters and South Farm closed to all hunters except youth lottery deer hunters. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lafayette or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically Challenged Wheelchair Confined Waterfowl Hunting Area: Access restricted. Call Lafayette or Baton Rouge Offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, ALL OTHER SEASONS CLOSED. Self-Clearing Permit.

(c). Youth Lottery: Last Sat. and Sun. of Oct., 4th Mon. of Dec., and 1st and 2nd Sun. of Jan. except no hunt on Christmas Day or Christmas Eve, either-sex. Contact Lafayette office, 337-262-2080 for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days Mandatory Deer Check and Sun. after Thanksgiving, Self-Clearing Permit, and 2nd Sat. after Thanksgiving for 9 days, Self-Clearing Permit.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey: Mon. after 3rd Sat. of April for 3 days.

(a). General Lottery: 3rd Sat. of April for 2 days.

(b). Youth Lottery: 2nd Sat. in April

iii. Small Game: Same as outside except closed during Firearms Either-Sex Deer and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

(b). On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after close of 2nd firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1 – August 31.

iv. Waterfowl, Snipe, Rail, and Gallinules: Same as outside except closed during Firearms Either-Sex Deer and except hunting after 2 p.m. prohibited except no hunting in Waterfowl Refuge. That portion of Sherburne WMA known as the South Farm restricted to Lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the Friday before Youth Lottery Deer Hunt until the day after the last Waterfowl hunt on the South Farm. Contact the Wildlife Field Office for details and description of “South Farm.”

(a). Youth Waterfowl Lottery: Contact Lafayette Office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: Contact Lafayette Office for details and applications.

v. Quail: Closed

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfish: March 15-July 31, Recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized watercraft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Wildlife Field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and Pistol/Handgun Range open daily. Skeet ranges open by appointment only, contact Lafayette office, 337-262-2080. No trespassing in restricted areas.

NOTE: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: Open to bird dog training all year except closed during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of 1st and 2nd segments of dove season.

- rr. Soda Lake.
 - i. Deer
 - (a). Archery Only, Oct. 1-Jan. 31, either-sex.
 - ii. Small Game and Waterfowl: Portion West of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, Falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.
 - ss. Spring Bayou. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters. No hunting allowed in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and Regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing permitted only in Old River and Grand Lac.
 - i. Deer
 - (a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.
 - (b). Youth: Last Sat. of Oct. for 2 days, either-sex.
 - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.
 - (d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.
 - (e). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.
 - ii. Turkey
 - (a). Youth Lottery: 4th Sat. of April for 2 days.
 - iii. Small Game and Waterfowl: Same as outside except small game closed during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.
 - (a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.
 - iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.
 - v. Commercial Fishing: Gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday except slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits available from area supervisor or Lafayette Wildlife Field Office. Closed until after 2 p.m. during waterfowl season.
 - vi. Sport Fishing: Same as outside except only allowed after 2 p.m. during waterfowl season, except during early Teal Season, recreational fishing allowed after 10 a.m.
 - vii. Crawfish: March 15-July 31. Recreational only, 100 lbs. per person per day.
 - tt. Tangipahoa Parish School Board. Self-Clearing Permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.
 - i. Deer: Same as outside.
 - ii. Turkey: Same as outside.
- iii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.
 - iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.
 - uu. Thistlethwaite. Restricted Area: Small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area Closed: Last Sat. of Oct. for 2 days, except to Youth Deer Hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through Main Gate only.
 - i. Deer
 - (a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.
 - (b). Youth Deer Hunt: Last. Sat. of Oct. for 2 days, either-sex.
 - (c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, 1st Saturday of Dec. for 9 days, and 4th Saturday of Dec. for 2 days.
 - (d). Firearms Bucks Only: Monday after the last Either-Sex Firearm hunt in Dec. for 14 days.
 - (e). Primitive Firearms: 2nd Saturday in November for 2 days and Monday after close of Firearms Bucks Only for 7 days.
 - ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.
 - vv. Tunica Hills. Area Closed Sat. and Sun. before opening day of statewide turkey season except youth turkey hunters and all weekends in April, and on Good Friday when the state turkey seasons opens that day except for turkey hunters. Area Closed: 1st Sat. of Nov. for 2 days to all except Youth Deer Hunters. Camping limited to tents only in designated areas.
 - i. Deer
 - (a). Archery: Oct. 1-15, bucks only, Oct. 16-Jan. 31, either sex, Feb. 1-15, bucks only.
 - (b). Youth Hunt: 1st Sat. of Nov. for 2 days, either-sex.
 - (c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit, either-sex, 2nd Sat. of Dec. for 9 days, except when there are 5 Sats. in Dec. then it will open on the 3rd Sat. of Dec., the initial Sat. and Sun. either-sex, the remaining 7 days bucks only, self-clearing permit.
 - ii. Turkey: Mon. after 3rd Sat. of April for 7 days.
 - (a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.
 - (b). Youth Lottery: Sat. and Sun. before opening day of statewide season.
 - iii. Small Game and Waterfowl: Same as outside except closed during Youth Deer Hunt and Primitive Firearms Deer Hunt and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs, South Tract only. Beagles allowed for rabbits and dogs

allowed for squirrel hunting 3rd Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as Small Game Emphasis Area (South Tract Only), training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Raccoon (Nighttime): Feb. 1 to last day of Feb. on South Tract only.

ww. Walnut Hill.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan. to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan. to the last day of Feb.

xx. West Bay. Area Closed: Next to last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. Limited Use Area: Small game same as outside except shotgun only and deer hunting - Archery only. See WMA map for specific location.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth and Physically Challenged: Next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days Mandatory Deer Check and Fri. after Thanksgiving Day for 3 days, Self-Clearing.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to last day of Feb.

18. Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms Either-sex: 2nd Sat. in November for 3 days. Restricted to scout program.

19. U.S. Forest Service Areas

a. Kisatchie National Forest (KNF)

i. Vehicles

(a). Motorized travel off designated roads and trails and outside designated areas is prohibited on the entire KNF. Motor Vehicle Use Maps (MVUM) showing designated roads and trails and associated vehicles and travel seasons are available in all Forest Service offices and on the Kisatchie website (www.fs.usda.gov/kisatchie).

(b). ATV/UTV (50" maximum width); operation is prohibited on public roads and road rights-of-ways. Use is allowed on Forest roads designated as open seasonally to ATV/UTV use. Use is prohibited in some campsites and recreation areas; see bulletin boards for additional information. (Also see MVUM)

(c). Nighttime ATV/UTV travel is prohibited. ATV/UTV travel is allowed between one hour before sunrise and one hour after sunset.

(d). Game retrieval with an ATV/UTV is only allowed within designated 300-foot corridors (see MVUM).

(e). Camping corridors for highway legal vehicles to drive within 100 feet of the road and camp are designated on the Caney District and in the National Red Dirt Wildlife Management Preserve.

ii. Firearms

(a). Hunting or discharging a firearm is prohibited as follows:

(i). In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area;

(ii). Across/on/from a National Forest System Road (NFSR) legally open to motorized use;

(iii). Across a body of water where any person/property is exposed to injury/damage as a result of such a discharge;

(iv). Hunting within 50 feet of any NFSR.

(b). It is prohibited to possess a firearm having live ammunition in the chamber, magazine, cylinder or clip (when attached to a firearm), or crossbow cocked and in the ready position in or on any type vehicle while on KNF.

(c). All deer must be tagged as required by LDWF regulations.

(d). Active and retired law enforcement officers in compliance with POST requirements, Federal Law Enforcement Officers, holders of Louisiana concealed handgun permits or permit holders from a reciprocal state, who are in compliance with all other state and federal firearms regulations, may possess firearms while on KNF lands, provided these firearms are not used for any hunting purposes.

(e). The following cannot be carried while hunting on KNF lands except during modern and primitive deer seasons:

(i). centerfire rifles;

(ii). break-action centerfire and bolt-action centerfire handguns;

(iii). scoped centerfire handguns;

(iv). shotgun slugs or shot larger than BB lead or F steel.

iii. Hunter Orange. LDWF WMA regulations for hunter orange and blaze pink apply.

iv. General. Hunting or discharging a firearm in or within 150 yards of a residence, building, campsite,

developed recreation site or occupied area, across/on a NFSR legally open to motorized use, across a body of water where any person/property is exposed to injury/damage as a result of such discharge, is prohibited.

v. Hunting General

(a). Deer Bag Limit: 1 per day up to the statewide seasonal limit.

(b). All deer hunting is still-hunting only.

(c). All deer must be tagged as required by LDWF regulations.

(d). Hunting stand, blind, tripod, baiting, spotlighting, etc. regulations applicable to LDWF WMAs are in effect on KNF (unless otherwise specified, refer to "Methods of Taking Game" section of the LDWF WMA Regulations) excluding the "Bag Limit" section and "Horses and Mules" section.

(e). Hunting from a permanent stand prohibited. Placing or leaving a temporary stand limited to 24 hours.

(f). The training of deer dogs is prohibited year round.

(g). LDWF Youth Deer Hunt regulations apply for all KNF lands except that archery and open season small game hunting is allowed (excluding those portions of the Vernon Unit within Fort Polk-Vernon WMA).

vi. Archery Deer Hunting

(a). Either-sex deer may be taken at any time by archers during the archery season except when bucks-only firearms seasons are in progress on KNF (archers must hunt only bucks during bucks-only firearm seasons).

(b). Archers must adhere to the full hunter orange requirements during any firearm season for deer.

(c). Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA): Same as outside.

(d). Catahoula (Grant and Rapides Parishes), Winn (Winn, Grant and Natchitoches Parishes), Kisatchie Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and Caney Range District (Webster and Claiborne Parishes): Same as outside (including Catahoula and Red Dirt National Wildlife Management Preserves).

vii. Firearms for Deer Hunting (excludes the Catahoula and Red Dirt National Wildlife Management Preserves)

(a). Catahoula (Grant and Rapides Parishes), Winn (Win, Grant and Natchitoches Parishes), Kisatchie Ranger Districts (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish), and the Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk-Vernon WMA).

(b). Youth only, either-sex, same as outside, still hunt only; LDWF regulations for hunter orange apply.

(c). Primitive Firearms, either-sex: Next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., Sat. after close of Dec. firearms bucks only hunt for 2 days, still hunt only.

(d). Firearms, either-sex: Last Sat. of Oct. through Sun. after the last Sat. of Oct., Fri. after Thanksgiving, still hunt only.

(e). Firearms, bucks only: Sat. after the last Sat. of Oct. through Thanksgiving, Sat. after Thanksgiving

through Sun. after Thanksgiving, 2nd Sat. of Dec. for 16 days, still hunt only.

viii. Caney Ranger District (Webster and Claiborne Parishes): Same as outside including Youth Hunt and Primitive Firearms (Area 2) except still hunt only. Either-sex entire season.

ix. Turkey. Opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday (on all ranger districts except the Caney Ranger District); Caney Ranger District: opening day of statewide season for 16 days except season will open for 17 days when statewide season opens Good Friday.

x. Turkey Youth. Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days (on all Ranger Districts except Vernon Unit lands within Fort Polk-Vernon WMA).

xi. Other Seasons on Entire KNF (See Catahoula/Red Dirt National Wildlife Management Preserve section for additional information)

(a). Rabbit, Squirrel, Quail and Migratory Game Birds: Same dates and bag limits as outside except closed to squirrel hunting during the spring season. Youth squirrel: 4th Sat. of Sept. for 2 days.

(b). Waterfowl: Same as outside except waterfowl hunting ceases at 2 p.m. If hunting on Corney Lake (Caney Ranger District), a permit (free of charge) is required for the use of a duck blind on the lake.

(c). Feral Hogs, Coyotes, Armadillos and Beavers: May be taken during daylight hours only, on any KNF hunt by properly licensed hunters with weapons legal for that hunt.

(d). Raccoons, Opossums, Fox (chase only) (nighttime, chase only): May be hunted during daylight or nighttime from Oct. 1 through Feb. 28 unless otherwise stated. A licensed hunter may take raccoon or opossum, two per person per day, except during the trapping season when there shall be no limit. (Please see Louisiana Trapping Regulations pamphlet for additional information. Also please see "Hunting-dog usage during deer firearm seasons" section below for exceptions).

(e). Bobcat and Nutria: LDWF regulations apply.

(f). Crows, Blackbirds, Grackles and Cowbirds: May be taken Sept. 1 through Jan. 1 only.

(g). Fishing: LDWF state creel limits apply (See Louisiana Fishing Regulations pamphlet for additional information).

(h). Trapping: See LDWF Trapping Regulations pamphlet for additional information.

(i). Hunting Dog Usage: Hunting dog usage during deer firearm seasons (only for KNF areas outside the Catahoula and Red Dirt National Wildlife Management Preserves): Hunting dogs that are legal for hunting species other than deer, and that stay within voice-command distance of handler are allowed during deer gun hunts. Hunting dogs that range beyond voice-command distance of handler are prohibited during deer gun hunts. The training of deer or hog dogs is prohibited year-round. Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do

not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable.

(j). Hunting-dog training: March 1 through Sept. 30 (except all dogs prohibited during turkey hunting season), allowed only in the following circumstances: dogs are within voice-command distance of handler; dogs are participating in nighttime raccoon chases mentioned above; dogs are participating in licensed events conducted by nationally-recognized kennel clubs (KNF permit required – contact Forest Supervisor's office); dogs are under close control of hikers; and any dog on a leash. No firearms allowed while training dogs. Hunting-dog training prohibited in Catahoula and Red Dirt National Wildlife Management Preserves.

(k). Bird Dog Training Area: Only that portion of the Vernon Unit known as the "dove field". Bird dogs may be trained year round except closed during turkey season. Permit required from LDWF to use pen-raised quail.

(l). Hunting-Dog Nighttime Chase Only: (All breeds allowed, no deer dogs or hog dogs). May 1 through Sept. 30, Tuesdays and Fridays only. No firearms allowed. Nighttime ATV/UTV travel is prohibited. Hunting-dog nighttime chase is prohibited in the Catahoula and Red Dirt National Wildlife Management Preserves during this period.

xii. Catahoula and Red Dirt National Wildlife Management Preserves (NWMP). Owner: U.S. Forest Service: Catahoula NWMP – 36,000 acres in Grant and Winn Parishes; Red Dirt NWMP—38,000 acres in Natchitoches Parish.

(a). Season Permit required for hunting, fishing and/or trapping on the preserve; for a permit or to get additional information contact the Forest Supervisor's Office, Winn, Catahoula or Kisatchie Ranger District offices or www.fs.fed.us/r8/kisatchie/hunting/index.html. In addition to the Season Permit, a Self-Clearing Daily Permit is required for all hunters during all deer gun hunts and turkey hunts. The Self-Clearing Daily Permits will be available at the main check stations, hunter-camps within the NWMPs, Kisatchie, Winn and Catahoula district offices, and at the Forest Supervisor's Office. Permits are free of charge. The Self-Clearing Permit consists of two portions: check-in and check-out. The check-in portion must be completed and put in the permit box before each hunt on the day of the hunt. The check-out portion must be carried by each person while on the NWMP and must be completed and put in the permit box immediately at the end of the day's hunt. Hunters can also check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. Note: When Mandatory Deer Checks are specified (see below), all hunters must check deer at the NWMPs main check stations.

(b). Hunting with Dogs: Hunting with recognized bird-hunting dogs during quail and woodcock seasons, recognized raccoon-hunting dogs during raccoon hunting season, and recognized pointer/retriever dogs during migratory bird season is permissible. Only beagles which do not exceed 15 inches at the front shoulder may be used for rabbit hunting. All dogs must be collared with owner's name

and phone number attached. Dogs running at large are prohibited. The owner/handler shall be liable. No training of dogs in the NWMPs outside of pertinent seasons.

(c). Select Prohibitions: Additional information and prohibitions are provided on Season Permit for the NWMPs.

(d). Deer:

(i). Archery Season: Same as Area 2. Archers are required to check harvested deer at the main check station during the mandatory deer check days, see dates below.

(ii). Youth Only Hunt, Either-Sex: Same as outside, still hunt only. Self-Clearing Daily Permit required.

(iii). Physically Challenged Hunt, Either-Sex: Second Sat. of Oct. through Sun. after the second Sat. of Oct., still hunt only, Self-Clearing Daily Permit required; hunters must also have in possession a LDWF Physically Challenged Hunters Permit.

(iv). Primitive Firearms, Either-Sex: Next to last Sat. of Oct. through Sun. after the next to last Sat. of Oct., still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(v). Firearms, Either-Sex: Last Sat. of Oct. through Sun. after the last Sat. of Oct., and Fri. after Thanksgiving, still-hunt only, Self-Clearing Daily Permit required. Mandatory deer check at main check stations.

(vi). Firearms, Bucks Only: Sat. after Thanksgiving through Sun. after Thanksgiving, still-hunt only, self-clearing daily permit required.

(e). Turkey

(i). Opening day of statewide season for 23 days except season will open for 24 days when statewide season opens Good Friday.

(ii). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

(f). Squirrel, Rabbit, Quail, Dove, Woodcock and Waterfowl (without dogs): All seasons same as outside (unless otherwise stated) except closed during deer firearm hunts. Consult LDWF hunting pamphlet for additional information. No spring squirrel season.

(g). Youth Squirrel: 4th Sat. of Sept. for 2 days.

(h). Squirrel/Rabbit (with dogs): 1st Sat. of Jan. through last day of Feb.

(i). Quail (with dogs): Same as outside.

(j). Raccoon/Opossum (non-dog season/daylight hours): May be taken by properly licensed hunter as incidental take with gear legal for the season in progress.

(k). Raccoon (nighttime, with dogs): 1st Sat. of Jan. through last day of Feb.

(l). Fishing: Closed to fishing during deer gun hunts.

20. Bayou Teche National Wildlife Refuge: Owned by U.S. Fish and Wildlife Service, 9,028 acres within St. Mary Parish

a. Deer

i. Archery: Same as outside, except closed during youth and firearms deer seasons, limit one deer per day; Franklin Unit closed.

ii. Youth Firearms: Last Sat. of Oct. for 2 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

iii. Firearms: Fri. after Thanksgiving for 3 days, either-sex, limit one deer per day; Franklin and Bayou Sale Units closed.

b. Small Game: Same as outside, except closed during youth and firearms deer seasons; Franklin Unit closed.

c. Waterfowl: Same as outside except closed after 12:00 noon, and except closed during firearms deer season; Franklin Unit closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019), LR 46:961 (July 2020), LR 47:904 (July 2021), LR 48:511 (March 2022), LR 48:1867 (July 2022).

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices, motorized decoys and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to or electronically tag the turkey before it is moved from the site of the kill and must document the kill

on the turkey harvest report card. If using carcass tags, the date of kill and parish of kill must be recorded on the carcass tag, and the tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill. Hunters may report turkeys electronically, calling the validation phone number, or using the validation website.

2. Turkey hunters purchasing licenses by phone will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Additionally, any person younger than 18 years of age shall have in their immediate possession a valid, original youth license. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except youths 12 years old or older who have successfully completed a hunter safety

course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

- i. Beauregard;
- ii. Bienville;
- iii. Bossier;
- iv. Claiborne;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

- v. East Baton Rouge;
- vi. East Feliciana;
- vii. Grant;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates;

- viii. Jackson;
- ix. LaSalle;
- x. Lincoln;
- xi. Livingston;
- xii. Natchitoches;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

- xiii. Sabine;
- xiv. St. Helena;
- xv. St. Tammany;
- xvi. Tangipahoa;
- xvii. Union;
- xviii. Vernon;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

- xix. Washington;
- xx. Webster
- xxi. West Feliciana (including Raccourci Island);
- xxii. Winn.

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Calcasieu—north of I-10;

iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;

iv. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;

v. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vi. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

vii. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

viii. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

ix. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

x. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xi. Rapides—all west of Red River and north of LA 28 east from Pineville, LA east to LaSalle Parish line

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xii. Richland—that portion south of US 80 and east of LA 17;

xiii. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry; also all lands east of the main channel of the Mississippi River.

2. Area B

a. All of the following parishes are open:

- i. Caddo;
- ii. DeSoto;
- iii. Red River.

3. Area C

a. All of the following parishes are open:

- i. Ascension;
- ii. Concordia;
- iii. Iberville;
- iv. Pointe Coupee;

EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

v. West Baton Rouge.

b. Portions of the following parishes are open:

i. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;

ii. Caldwell—all east of the Ouachita River;

iii. Catahoula—all of the parish except for that portion located in area A;

iv. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

v. Iberia—east of the west Atchafalaya Basin protection levee;

vi. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

vii. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

EXCEPTION: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

viii. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry;

ix. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

EXCEPTIONS: Sherburne WMA and Indian Bayou area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:964 (July 2019), LR 46:988 (July 2020), LR 47:934 (July 2021), LR 48:1897 (July 2022).

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day

before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:990 (July 2020), LR 47:936 (July 2021), LR 48:1899 (July 2022).

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 3-Sept. 18 Oct. 15-Nov. 27 Dec. 17-Jan. 15 North Zone: Sept. 3-Sept. 25 Oct. 8-Nov. 13 Dec. 24-Jan. 22	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 10-Sept. 25	6	18
King and Clapper Rails	Sept. 10-Sept. 25 Nov. 12-Jan. 4	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 10-Sept. 25 Nov. 12-Jan. 4	25 (in aggregate)	75 (in aggregate)
Gallinules	Sept. 10-Sept. 25 Nov. 12-Jan. 4	15	45
Snipe	West Zone: Nov. 2-Dec. 4 Dec. 17-Feb. 28 East Zone: Nov. 2-Dec. 4 Dec. 17-Feb. 28	8	24
Ducks, Coots and Mergansers	West Zone: Nov. 5-Nov. 6 (youth and veterans only) Nov. 12-Dec. 4 Dec. 17-Jan. 1 Jan. 9-Jan. 29 East Zone: Nov. 12 (youth and veterans only) Nov. 19-Dec. 4 Dec. 17-Jan. 29 Feb. 4 (youth and veterans only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 females), 3 wood ducks, 2 canvasbacks, 2 redheads, 1 mottled duck, 1 black duck and 1 pintail. Only 1 scaup may be taken for the first 15 days of the season with 2 per day	Three times the daily bag limit.

Species	Season Dates	Daily Bag Limit	Possession Limit
		allowed for the remainder. Daily bag limit on coots is 15. Mergansers-The daily bag limit for mergansers is 5, only 2 of which may be hooded mergansers, in addition to the daily bag limit for ducks.	
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	East Zone: Nov. 5-Dec. 4 Dec. 17-Jan. 29 West Zone: Nov. 5-Dec. 4 Dec. 17-Jan. 1 Jan. 9-Feb. 5	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 3.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 9.
Canada Geese	East Zone: Nov. 5-Dec. 4 Dec. 17-Jan. 29 West Zone: Nov. 5-Dec. 4 Dec. 17-Jan. 1 Jan. 9-Feb. 5	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	East Zone: Dec. 5-Dec. 16 Jan. 30-March 5 West Zone: Dec. 5-Dec. 16 Jan. 2-Jan. 8 Feb. 6-March 5	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 3-Jan. 31	
Rails and Gallinule	Nov. 3-Jan. 31	
Ducks	Nov. 3-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to 12 p.m. (noon) on opening weekend of first split.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana border on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl and Veterans Season Regulations.

1. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

2. Veterans refers to those persons who served in the active military, naval or air service who were discharged or released under conditions other than dishonorable, and members of the Armed Forces on active duty including members of the National Guard and Reserves on active duty (other than for training). Veterans and active duty military

personnel must possess a valid proof of service such as DD214 form, Active Military ID, Retired Military ID, Veterans Administration ID, or Veterans designation on their Driver's License as well as mandatory waterfowl license(s), HIP certification, and Federal duck stamp to participate on these hunt days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:991 (July 2020), LR 47:937 (July 2021), LR 48:1899 (July 2022).

Jerri G. Smitko
Chair

2207#007

RULE

Department of Health Board of Pharmacy

Fees (LAC 46:LIII.115)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has adopted a new section of rules, §115, to itemize all the fees charged by the board. Most of the proposed fees represent increases from the current fees identified in R.S. 37:1184. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 1. Introduction

§115. Fees

A. The fees charged and collected by the board shall not be less nor more than the following schedule.

1. Credentialing Fees for Persons
 - a. Pharmacy Technician Candidate
 - i. Application fee for new pharmacy technician candidate registration—\$50.
 - b. Pharmacy Technician
 - i. Application fee for new pharmacy technician certificate—\$100.
 - ii. Certificate renewal fee, per year—\$60.
 - iii. Delinquent renewal fee, per year (50 percent of renewal fee)—\$30.
 - iv. Reinstatement fee for lapsed, suspended, or revoked certificate—\$200.
 - c. Pharmacy Intern
 - i. Application fee for new pharmacy intern registration—\$50.
 - d. Pharmacist
 - i. Application fee for new pharmacist license—\$300.
 - ii. Application fee for transfer of pharmacist license—\$150.
 - iii. License renewal fee, per year—\$150.
 - iv. Delinquent renewal fee, per year (50 percent of renewal fee)—\$75.

- v. Reinstatement fee for lapsed, suspended, or revoked license—\$200.
- vi. Pharmacy education support fee, per year—\$100.
2. Credentialing Fees for Businesses
 - a. Pharmacy
 - i. Application fee for new pharmacy permit—\$500.
 - ii. Application fee for change of location of pharmacy permit—\$200.
 - iii. Pharmacy permit renewal fee, per year—\$200.
 - iv. Delinquent renewal fee for pharmacy permit, per year (50 percent of renewal fee)—\$100.
 - v. Application fee for new controlled dangerous substance (CDS) license for pharmacy—\$25.
 - vi. CDS license renewal fee, per year—\$25.
 - vii. Delinquent renewal fee for CDS license, per year (50 percent of renewal fee)—\$12.50
 - viii. Application fee for new emergency drug kit (EDK) permit—\$50.
 - ix. EDK permit renewal fee, per year—\$50.
 - x. Application fee for new automated medication system (AMS) registration—\$150.
 - xi. AMS registration renewal fee, per year—\$150.
 - xii. Application fee for new sterile compounding pharmacy permit—\$500.
 - xiii. Sterile compounding pharmacy permit renewal fee, per year—\$500.
 - xiv. Reinstatement fee for lapsed, suspended, or revoked pharmacy permit, CDS license, EDK permit, AMS registration, or sterile compounding pharmacy permit—\$200.
 - xv. Pharmacy education support fee, per year—\$100.
 - b. Durable Medical Equipment Provider
 - i. Application fee for new durable medical equipment (DME) permit—\$200.
 - ii. DME permit renewal fee, per year—\$200.
 - iii. Delinquent renewal fee for DME permit, per year (50 percent of renewal fee)—\$100.
 - iv. Reinstatement fee for lapsed, suspended, or revoked DME permit—\$200.
 - v. Pharmacy education support fee, per year—\$100.
 - c. Pharmacy Benefit Manager
 - i. Application fee for new pharmacy benefit manager (PBM) permit—\$500.
 - ii. PBM permit renewal fee, per year—\$500.
 - iii. delinquent renewal fee for PBM permit, per year (50 percent of renewal fee)—\$250.
3. Fees for Products and Services
 - a. Products
 - i. Pharmacist certificate—\$75.
 - ii. Pharmacist silver certificate—\$100.
 - iii. Louisiana Pharmacy Law Book—\$40.
 - iv. Official list of licensees, per credential type—\$150.
 - v. Photocopies of documents, per page—\$0.50
 - b. Services
 - i. Administrative hearing fee—\$250.
 - ii. Certification of credential—\$20.

- iii. Certification of practical experience to another jurisdiction—\$25.
 - iv. Certification of document as true copy of office record—\$5.
 - v. Handling and mailing, per page—\$1.
4. Board member per diem, per day—\$75.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182(A)(21).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 48:1901 (July 2022).

Malcolm J Broussard
Executive Director

2207#057

RULE

Department of Health Board of Pharmacy

Raw Marijuana Products (LAC 46:LIII.2440, 2443, 2453, and 2457)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy has amended §§2440, 2443, 2453, and 2457 of its rules relative to marijuana pharmacies to implement the provisions of Act 424 of the 2021 Legislature. The changes in §2440 make a technical change in the reference to the initial enabling legislation for the medical marijuana program and identifies the mandates within 2021 legislation. The changes in §2443 add raw marijuana products to those items which producers are authorized to distribute to marijuana pharmacies, identify laboratory testing standards for such raw products, add additional dosage forms including pectin-based chewables as well as combustible and edible dosage forms and removes the prohibition on inclusion of marijuana in beverages. The changes in §2453 authorize marijuana pharmacies to temporarily maintain a supply of marijuana products outside safes and vaults during their hours of operation. The changes in §2457 remove the reference to referral as a description of a recommendation form, adds a requirement for recommendations for raw products when intended for persons under the age of 21 years, and identifies the dispensing limitations of raw marijuana products included in the 2021 legislation. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2440. Preamble; Warning; Consultation Suggested

A. Pursuant to Act 261 of the Regular Session of the 2015 Legislature as well as subsequent amendments, the Board of Pharmacy was directed to:

- 1. ...

2. adopt rules relating to the dispensing of recommended marijuana for therapeutic use, with such rules to include, at a minimum, the following:

a. - d. ...

e. standards, procedures, and protocols to ensure all recommended therapeutic marijuana dispensed, with the exception of raw or crude marijuana product, is consistently pharmaceutical grade.

f. - k. ...

l. limitations on dispensing of raw or crude marijuana.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1538 (August 2017), amended LR 48:1902 (July 2022).

§2443. Marijuana Products

A. Exclusive Source

1. The exclusive source of marijuana products shall be the producers licensed for that activity by the Department of Agriculture and Forestry (LDAF).

2. Licensed producers shall prepare pharmaceutical grade marijuana products as well as raw marijuana products for distribution to marijuana pharmacies licensed by the board.

3. ...

B. Laboratory Testing

1. ...

2. A producer shall make available each such batch at the production facility for testing by a laboratory approved by LDAF. The laboratory employee shall select a random sample from each such batch.

a. Medical marijuana concentrate shall not be used to produce any final product until it has passed all analysis limits for:

i. - v. ...

b. Product shall not be released for delivery to a marijuana pharmacy for sale or consumption until it has passed all concentrate analysis limits for:

i. - iii. ...

c. Final products not produced from concentrate, e.g., dried and cured flower, shall not be released for delivery to a marijuana pharmacy for sale or consumption until it has passed all analysis limits for:

i. active ingredient analysis for characterization of potency;

ii. pesticide active ingredients, including but not limited to the most recent list of targeted pesticides published by LDAF;

iii. heavy metals;

iv. mycotoxins;

v. microbiological contaminants; and

vi. homogeneity.

d. LDAF personnel may select a random sample at any point in the process for the purpose of analysis for anything the LDAF deems necessary.

e. Samples shall be secured in a manner approved by LDAF at all times when not in immediate use for the analyses being conducted.

3. ...
4. Testing Specifications
a. - c.iv. ...
d. With respect to the pesticide chemical residue test, a marijuana sample shall be deemed to have passed if it does not contain any residues appearing on LDAF's approved list and any approved residues present are less than the limits allowed by LDAF.

e. - e.vii. ...
f. With respect to the test for homogeneity, a marijuana sample shall be deemed passed if each aliquot tested is within plus or minus 15 percent of the total aliquots average finding for potency for each labeled active ingredient. Any solid product will be considered not homogenous if 10 percent of the product contains more than 20 percent of the total active ingredient.

g. Every sample shall undergo an active ingredient analysis or potency analysis.

i. - i.(d). ...
ii. For product samples, the potency test is to establish the active ingredient composition for verification of labeling to ensure accurate dosing. The maximum variance permitted is 15 percent from the labeled amount. For example, a product labeled as containing 10 milligrams of tetrahydrocannabinol (THC) shall contain no less than 8.5 milligrams THC and no more than 11.5 milligrams THC. For final products containing THCA, the total THC determined shall also be within the variance allowed for the THC as labeled.

5. - 8. ...
C. Product Dosage Forms
1. The producer shall limit their production of pharmaceutical grade products to the following dosage forms:

a. - c. ...
d. gelatin-based or pectin-based chewables;
e. - h. ...
i. bulk raw product.

2. The producer may produce other products from raw or crude marijuana, including dried flower, buds, and other plant material, intended for the following methods of administration:

a. combustible forms for inhalation, including but not limited to pre-rolls; and
b. edible forms for ingestion.

3. No marijuana product shall:
a. include alcoholic liquor, dietary supplements, or any drug, except for marijuana. For purposes of this provision, alcoholic liquor does not include any liquid or solid containing less than 0.5 percent of alcohol by volume, or ethanol-based tinctures.

b. be manufactured or sold in a form or with a design that:

i. is obscene or indecent;
ii. may encourage the use of marijuana for recreational purposes;

iii. may encourage the use of marijuana for a condition other than a debilitating medical condition; or

iv. is customarily associated with persons under the age of 18 years; or

c. have had pesticide chemicals or organic solvents used during the production or manufacturing process other than those which may be approved by the commissioner of LDAF.

4. Any marijuana product not in compliance with the provisions of this Section shall be deemed adulterated.

D. - E.4.f. ...
AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1540 (August 2017), amended LR 45:1473 (October 2019), LR 46:568 (April 2020), LR 46:1227 (September 2020), LR 47:590 (May 2021), LR 48:1902 (July 2022).

§2453. Security Requirements for Marijuana Pharmacies

A. A marijuana pharmacy shall:
1. - 3. ...
4. keep all approved safes and vaults securely locked and protected from entry, except for the actual time required to remove or replace marijuana, provided that during hours of operation the pharmacist-in-charge may authorize the placement of a limited quantity of dispensing stock outside such safes or vaults but within the secure prescription department.

A.5. - H. ...
AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1548 (August 2017), amended LR 48:1903 (July 2022).

§2457. Standards of Practice

A. - D.5. ...
E. Professional Practice Standards
1. Recommendation / opinion (hereinafter, "request") for Therapeutic Marijuana

a. - a.ii. ...
b. The request shall disclose the following information at a minimum:

i. - iii. ...
iv. type of marijuana product requested;
v. - vii. ...

c. Requests for marijuana products shall expire one year after the date of issue, unless a shorter period of time is indicated by the physician. A pharmacist shall not dispense marijuana product pursuant to an expired request.

d. Requests for raw or crude marijuana products intended for persons under 21 years of age shall specifically indicate a recommendation for raw or crude forms of marijuana for such persons.

e. A marijuana pharmacy shall transfer an unexpired request for marijuana product to another

marijuana pharmacy when requested by the patient or his caregiver.

2. Dispensing Marijuana Products

a. Prior to dispensing any marijuana product to a patient, the pharmacist shall review the patient's records in the state prescription monitoring program. The pharmacist shall resolve any concerns identified in that review by consultation with the recommending physician.

b. Dispensing Limitations

i. A pharmacist shall not dispense more than two and one-half ounces, or 71 grams, of raw or crude marijuana every 14 days to any person.

ii. Subject to the above limitation on dispensing raw or crude marijuana products, a pharmacist may dispense marijuana products on multiple occasions as indicated by the physician and needed by the patient until the request expires; however, the pharmacist shall not dispense more than a 90-day supply of marijuana product at one time nor more than a one-year supply pursuant to a single request.

E.3. - E.6.e.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1550 (August 2017), amended LR 45:1473 (October 2019), LR 47:246 (February 2021), LR 47:1111 (August 2021), LR 48:1903 (July 2022).

Malcolm J Broussard
Executive Director

2207#058

RULE

**Department of Civil Service
Board of Ethics**

Food and Drink Limit (LAC 52:I.Chapter 17)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has amended the rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and section 1115.1C of the Code of Governmental Ethics. This Rule is hereby adopted on the day of promulgation.

**Title 52
ETHICS**

Part 1. Board of Ethics

Chapter 17. Code of Governmental Ethics

§1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2022, the limit for food, drink or refreshments provided in R.S. 42:1115.1A and B is \$70.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 48:1904 (July 2022).

Kathleen M. Allen
Ethics Administrator

2207#034

RULE

**Department of Economic Development
Office of Business Development
and
Louisiana Economic Development Corporation SSBCI**

**Collateral Support Program ARPA 2021
(LAC 19:VII.Chapter 91)**

The Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104, 36:108 and 51:2312, has adopted rules for the Collateral Support Program for the State Small Business Credit Initiative (SSBCI) authorized by the American Rescue Plan Act (ARPA) of 2021, otherwise known as "SSBCI Collateral Support Program ARPA 2021". This Rule is hereby adopted on the day of promulgation.

Title 19

CORPORATION AND BUSINESS

**Part VII. Louisiana Economic Development
Corporation**

**Subpart 13. Collateral Support Program
Chapter 91. SSBCI Collateral Support Program
ARPA 2021**

§9101. Purpose

A. The Louisiana Economic Development Corporation (LEDC or Corporation) wishes to stimulate the flow of private capital, including short, medium and long-term loans, lines of credit loans, and other related financial assistance for the sound financing of the development, expansion, and retention of small business concerns in Louisiana, as a means of helping them grow and expand their businesses and of providing higher levels of employment, income growth, and expanded economic opportunities, especially to small businesses owned by socially and economically disadvantaged individuals (SEDI).

B. Through The American Rescue Plan Act of 2021, which reauthorized the State Small Business Credit Initiative (SSBCI), the U.S. Congress has appropriated funds to be allocated and disbursed to the states that have created programs to increase the amount of capital made available by private lenders to small businesses, and the State of Louisiana has been approved to receive and disburse SSBCI funds within the SSBCI Program. The Louisiana Department of Economic Development (LED), which will be working with and through the LEDC, has been designated to provide services for the SSBCI, including the collateral support program (CSP), which by a master lender CSP participation agreement previously entered into, and a LEDC CSP loan and deposit agreement, each between LEDC and the lender, will provide for the LEDC to place a cash deposit with the lender to make additional capital available for a portion of the loan, and to serve as cash collateral for a portion of the loan. The Louisiana Economic Development Corporation (LEDC), working with LED, will utilize SSBCI funds to increase access to credit and capital funding to further assist small businesses statewide, to expand loan capabilities to a

broader range of businesses statewide, to direct a greater concentration on those small businesses, and to reach, identify and promote small business growth in low and moderate income communities, in minority communities, in other underserved communities, and to small businesses owned by socially and economically disadvantaged individuals across our state.

C. The CSP establishes pledged cash collateral accounts with participating lenders to enhance loan collateral for qualified small business borrowers exhibiting a shortfall in collateral and who would not otherwise be able to obtain financing on acceptable terms and conditions. Collateral deposits are established on an individual loan basis and are available to cover loan losses in the event of default by the borrower. Upon loan maturity and repayment, deposits are returned to LEDC for recycling to other qualified small business borrowers.

D. Interested small businesses will be referred to participating lenders for loan and collateral support deposit qualification purposes. Participating lenders will apply to LEDC for collateral support deposits on behalf of their qualified small business borrowers. Participating lenders are responsible for their own credit underwriting decisions and originating the loans. LEDC's responsibilities are: to ensure compliance with CSP requirements; to establish and manage collateral support accounts; to promote and market the CSP through outreach activities to inform lenders, small businesses and trade associations of the Program; to generate increased small business activity, awareness and access to additional sources of capital to start and expand existing business opportunities, as well as participation in the Program; and to report to the U.S. Treasury.

E. In considering approval or acceptance of the loans presented to LEDC through lenders having previously agreed to participate in the Collateral Support Program (CSP), the corporation will consider sound business purpose loans and lines of credit, so long as SSBCI resources permit. The board of directors of the corporation recognizes that collateralizing loans and lines of credit carries certain risks and is willing to undertake reasonable exposure.

F. LEDC will monitor the program, including the repayment progress of borrowers, as well as the servicing performance of participating lenders, in order to ensure successful outcomes in the form of program utilization and eventual securing of funds for these groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1905 (July 2022).

§9103. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in prevailing federal guidelines issued by the U.S. Treasury, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Accepted Loan—a loan accepted by LEDC as eligible under the collateral support program (CSP).

Affiliate of the Borrower—any person or entity directly or indirectly controlled by the borrower or directly or

indirectly controlling the borrower or under common control with the borrower. For purposes of this definition, a person controls another person if such person directly or indirectly, or acting through or in concert with one or more persons:

a. owns, controls, or has the power to vote twenty percent (20 percent) or more of any class of voting securities or interests of the other person;

b. controls in any manner the election or appointment of a majority of the directors or management of the other person; or

c. has the power to exercise a controlling influence over the management or policies of the other person.

Affiliate of the Lender—any person or entity directly or indirectly controlled by the lender or directly or indirectly controlling the lender or under common control with the lender. For purposes of this definition, a person controls another person if such person directly or indirectly, or acting through or in concert with one or more persons:

a. owns, controls, or has the power to vote 20 percent or more of any class of voting securities or interests of the other person;

b. controls in any manner the election or appointment of a majority of the directors or management of the person; or

c. has the power to exercise a controlling influence over the management or policies of the other person.

Board—the Board of Directors of Louisiana Economic Development Corporation (LEDC).

Borrower—an eligible borrower which is the recipient of a loan which is, has been, or will be registered by the lender under the CSP for collateral support through a collateral deposit account.

Business Day—any day other than a Saturday, Sunday, or any other day on which commercial banks in Louisiana are required or authorized to be closed.

CDFI-Community Development Financial Institution—has the meaning given that term under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

CDFI Investment Area—as defined by Treasury for the SSBCI Program, are generally low-income, high-poverty geographies that receive neither sufficient access to capital nor support for the needs of small businesses, including minority-owned businesses.

Collateral Deposit Account—the interest bearing account or certificate of deposit opened with lender in the name of LEDC pledged as collateral for an accepted eligible loan.

Corporation—the Louisiana Economic Development Corporation (LEDC).

CSP—the Collateral Support Program.

CSP Application—program application for the collateral support request where the lender and borrower each sign and agree to abide by the assurances and certifications as required by the U.S. Treasury.

CSP Collateral Analysis Form—form completed by the lender evaluating the borrower's collateral value position.

CSP Claim Form—form completed by the lender to LEDC in the event of a default and subsequent loan loss.

Default—delinquent in making payment, when due, of any installment of principal or interest on any note, for a period of more than 90 days.

Eligible Borrower—a Louisiana business enterprise which meets all requirements of federal law and the CSP.

Eligible Loan—a loan (or a line of credit) that meets the criteria for an eligible loan under the CSP in effect at the time the loan is registered and for which each of the assurances, representations and warranties set forth in the CSP is true and correct.

Enrolled Loan—a loan (or a line of credit loan) which has been approved for acceptance in the CSP and in which the loan instruments have been fully executed.

Financial Institution—also referred to herein as a *Bank, Financial Lending Institution, Lending Institution, Commercial Lending Entity, or Lender*—includes any insured depository institution, insured credit union, or community development financial institution, as those terms are defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

LED—the Louisiana Department of Economic Development (LED).

LEDC—the Louisiana Economic Development Corporation (LEDC).

LEDC CSP Loan and Deposit Agreement—the loan and deposit agreement (“deposit agreement”), to be executed by LEDC and the lender, for the deposit of cash collateral by LEDC with the lender, as security for a portion of the loan accepted under this program.

Lender—an insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) which is experienced in the making of loans to businesses of the type provided for under the CSP, has an office and business operations in the State of Louisiana, and is regulated by the Office of the Comptroller of the Currency (including by merger, the Office of Thrift Supervision), the Federal Reserve Board, the Louisiana Department of Finance or similar regulatory agency. All participating lenders must execute a lender Participation Agreement with LEDC; and is the entity that will make or originate the accepted eligible loan with the eligible borrower under this program.

Lender Insider—an executive officer, director, or principal shareholder of the lender, or a member of the immediate family of an executive officer, director or principal shareholder of the lender, or a related interest of such executive officer, director, principal shareholder or member of the immediate family. For the purposes of this provision, the terms *executive officer, director, principal shareholder, immediate family, and related interest* shall have the respective meaning ascribed thereto in Federal Reserve Act Sections 22(g) and (h), Federal Reserve Board Regulation O and applicable Office of the Comptroller of the Currency or Office of Thrift Supervision.

Loan—any temporary advance or provision of money to an eligible borrower by the participating lender for a business purpose, usually for a limited term and requiring the payment of interest along with the repayment of the loaned funds under the CSP, that is evidenced by a promissory note that obligates the borrower to repay the advance. When used herein, the word loan includes a line of credit loan.

Loss—any principal amount due and not paid at a time the lender determines in a manner consistent with its normal method and timetable for making such determinations that a qualified loan is uncollectible and is to be charged off as a loss. The amount included in the loss shall not exceed the unpaid principal balance of the enrolled loan.

Master Lender CSP Participation Agreement—agreement between lender and LEDC accepting the lender as an approved CSP participating lender whereby the Participating lender agrees to program assurances and certifications as required by the U.S. Treasury.

Net Proceeds of the Loan—the gross loan amount less costs incurred in issuing the loan which are paid by the borrower out of the gross loan amount.

Participating Lender—a financial institution that has executed an agreement with the Louisiana Economic Development Corporation (LEDC) to participate in the program.

Program—the collateral support program.

Small and Emerging Business—a Louisiana business certified as a Small and Emerging Business (SEB) by the Louisiana Department of Economic Development's Small Business Services.

Small Business Concern—for purposes of size eligibility for this program will be limited to businesses with 100 employees or less.

Socially and Economically Disadvantaged Individual (SEDI) Owned Business—

a. business enterprises that certify that they are owned and controlled by individuals who have had their access to credit on reasonable terms diminished as compared to others in comparable economic circumstances, due to their:

- i. membership of a group that has been subjected to racial or ethnic prejudice or cultural bias within American society;
 - ii. gender;
 - iii. veteran status;
 - iv. limited English proficiency;
 - v. physical handicap;
 - vi. long-term residence in an environment isolated from the mainstream of American society;
 - vii. membership of a federally or state-recognized Indian tribe;
 - viii. long-term residence in a rural community;
 - ix. residence in a U.S. Territory;
 - x. residence in a community undergoing economic transitions (including communities impacted by the shift towards a net-zero economy or deindustrialization);
- or

xi. membership of another *underserved community* as defined in Executive Order 13985;

b. business enterprises that certify that they are owned and controlled by individuals where residences are in CDFI investment Areas, as defined by Treasury for the SSBCI Program;

c. business enterprises that certify that they will operate a location in a CDFI Investment Area, as defined by treasury for the SSBCI Program; or

d. business enterprises that are located in CDFI investment areas, as defined by the U.S. Treasury for the SSBCI Program.

Very Small Business—a business with fewer than 10 employees; may include independent contractors and sole proprietors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1906 (July 2022).

§9105. Application Process

A. Any applicant/borrower(s) applying for either a loan or a line of credit will be required first to contact a CSP participating financial lending entity that is willing to entertain, originate, process and service such a loan or line of credit with the prospect of an LEDC cash collateral deposit, and the participating lender will then contact LEDC for qualification and shall submit a complete application to LEDC for its review, approval and acceptance. The financial lender shall also submit to LEDC the lender's assurances, certifications, representations and warranties, and shall be responsible for obtaining and submitting to LEDC assurances of eligibility, including certifications, representations and warranties from each borrower, all as required by the American Rescue Plan Act of 2021 and the SSBCI.

B. Information submitted to LEDC with the application representing the applicant/borrower's business plan, financial position, financial projections, personal financial statements and background checks will be kept confidential to the extent allowed under the Louisiana Public Records Law, R.S. 44:1 et seq. Confidential information in the files of LEDC and its accounts acquired in the course of its duty will be used solely by and for LEDC.

C. The following CSP submission and review policies shall be followed.

1. The participating lender is expected to use its best efforts to provide small Louisiana businesses, SEDI, with the maximum practicable opportunity to participate in the CSP.

2. The participating lender shall request approval from LEDC to become an approved participating lender under the CSP by executing a master lender participation agreement.

3. The borrower's completed Louisiana Economic Development Corporation CSP loan packet must be submitted by the lender to LEDC to include:

a. borrowers completed CSP application and related information and materials.

b. small and emerging businesses (SEBs) applying for assistance under the program will have to submit a copy of the certification from the Louisiana Department of Economic Development's Small Business Services, along with the request for financial assistance.

c. businesses applying for consideration as a SEDI owned business will have to self-certify under conditions in Subparagraph a-c as noted above in §9103 under SEDI-owned business definition.

d. the participating lender shall submit to LEDC its complete analysis and evaluation, proposed loan structure, and commitment letter to the borrower. LEDC staff may do its own review and evaluation of the application packet. The participating lender shall submit to LEDC the same pertinent data that it submitted to the lending institution's loan committee, whatever pertinent data the lending institution can legally supply.

e. lender's and borrower's signed assurances and certifications as required by the U.S. Treasury.

4. LEDC staff will review the application and analysis, and then approve and accept or disapprove and reject the application, if the dollar amount of the loan is within the staff's board approved authority, or make recommendations to the board committees and to the board for approval and acceptance or disapproval and rejection.

5. The LEDC's board of directors, or the board's designated committee, will review only the completed applications and related materials submitted by LEDC staff and may approve and accept or disapprove and reject applications for approval or acceptance or the designated board committee may simply make recommendations to the LEDC board for its decision.

6. The applicant/borrower(s) or their designated representative(s), and the loan officer or a representative of the lender shall be required to attend the LEDC's board of directors meeting wherein the application will be considered by the board; but shall not be required to attend meetings of the LEDC Staff or the designated board committee, unless the LEDC requests their presence.

7. LEDC's board of directors, or the board's designated committee that has considered the application has the final approval and acceptance or disapproval and rejection authority for such applications; except for those loans which shall be within the staff's authority to approve or disapprove, as established by the LEDC board, the staff shall have the final approval and acceptance or disapproval and rejection authority, unless the board overrules the staff's decision.

8. The lender will be notified within three to five business days by mail or e-mail of the outcome of the application process.

9. Funds approved for each CSP application will have a reservation period of 90 calendar days from the approval date.

a. If an approved CSP loan does not close within 90 calendar days from the final LEDC approval date, the reservation period will expire and funds will be released to the general program fund to be used for other CSP requests, unless an extension has been approved by LEDC board or its designated committee, or LEDC staff.

b. Once a reservation period has expired, a lender will need to re-apply and start the application and review process over with a new or up-dated application.

D. The following CSP Loan Closing Policies shall be followed by the lender.

1. An LEDC CSP Loan and Deposit Agreement, including LEDC's terms, and any stipulations or requirements, will be mailed or e-mailed by LEDC staff to the lender for review within five business days of approval and acceptance by either LEDC Staff, LEDC's board of directors, or the board's designated committee.

2. Lender shall notify LEDC of its loan closing five business days prior to the closing date.

3. LEDC will open and pledge an interest bearing collateral deposit account (a certificate of deposit) with the lender in LEDC's name, as follows:

a. the cash collateral deposit provided to the lender will be funded in two phases; 50 percent of the approved collateral deposit support will be funded at the time of the

loan closing (within two business days) and the remaining approved collateral deposit support will be deposited within 30 calendar days after LEDC is notified by lender in writing of a default against the lender's loan and a request for the additional funding.

4. At the loan closing, lender will execute the LEDC CSP loan and deposit agreement, and will return the signed original to LEDC with the loan documents.

5. Immediately following the loan closing the lender will furnish to LEDC copies of all fully executed loan documents.

E. Loan Purpose Requirements and Prohibitions. In addition to the application process provisions provided above, and in connection with each and any loan (including a line of credit loan) that the participating lender requests be approved and accepted by LEDC to be enrolled under this program, the lender shall also be responsible for obtaining and providing LEDC with the lender's application assurances and certifications as well as application assurances and certifications from each applicant/borrower stating that the loan proceeds shall not be used for any impermissible purpose under the SSBCI program, and the loan proceeds shall be used for an *eligible business purpose*, as that term is defined in §9107.A hereinafter; and additionally:

1. The loan proceeds shall be used for a business purpose. A business purpose includes, but is not limited to, start-up costs, working capital, business procurement, franchise fees, equipment, inventory, as well as the purchase, construction, renovation or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of business purpose excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership, the purchase of securities; and lobbying activities as defined in section 3(7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

2. The loan proceeds will not be used to:

a. repay any delinquent federal or state income taxes unless the borrower has a payment plan in place with the relevant taxing authority; or

b. repay taxes held in trust or escrow, e.g. payroll or sales taxes; or

c. reimburse funds owed to any owner, including any equity injection or injection of capital for the business' continuance; or

d. to purchase any portion of the ownership interest of any owner of the business.

3. The borrower is not:

a. an executive officer, director, or principal shareholder of the financial institution lender; or

b. a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

c. a related interest of any such executive officer, director, principal shareholder, or member of the immediate family.

NOTE: For the purposes of these three borrower restrictions, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

4. The borrower is not:

a. a business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as wildcatting for oil, investments in stock market, and dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business; or

NOTE: Permissible borrowers include state-designated charitable, religious, or other non-profit or eleemosynary institutions, government-owned corporations, consumer and marketing cooperatives, and faith-based organizations provided the loan is for a business purpose as defined above.

b. a business that earns more than half of its annual net revenue from lending activities; unless the business is a non-bank or non-bank holding company certified as a community development financial institution; or

c. a business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or

d. a business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of otherwise legal products that are to be used in connection with an illegal activity, such as selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business includes direct and indirect marijuana businesses, as defined in SBA Standard Operating Procedures 50 10 6; or

e. a business engaged in gambling enterprises, unless the business earns less than 33 percent of its annual net revenue from lottery sales.

5. No principal of the borrowing entity has been convicted of a sex offense against a minor (as such terms are defined in §111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as if a sole proprietorship, the proprietor; if a partnership, each managing partner and each partner who is a natural person and holds a 20 percent or more ownership interest in the partnership; and if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity."

6. The corporation shall not knowingly approve any CSP request if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Nor should they approve any CSP request if the applicant/borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations in which the applicant/borrower or his/hers/its principle management has not been reinstated into society.

F. The financial institution lender must also provide to LEDC with the application, in connection with each loan to

be enrolled under this Chapter 91 Program, and assurances affirming:

1. the loan has not been made in order to place under the protection of the approved state Capital Access Program (CAP) prior debt that is not covered under the approved state CAP and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

2. the loan is not a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender;

3. no principal of the financial institution lender has been convicted of a sex offense against a minor (as such terms are defined in §111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as if a sole proprietorship, the proprietor; if a partnership, each partner; if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity.

4. The borrower business structure either is a sole proprietor qualified to do and doing business in Louisiana, or is a for-profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above or other entity which is registered and authorized to conduct business in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1908 (July 2022).

§9107. Eligibility/Ineligibility for Participation in this Program

A. This program is for loans (including lines of credit) for an eligible business purpose, having a principal amount of \$1,000,000 or less, to eligible borrowers doing business in Louisiana having 100 employees or less at the time the loan is enrolled in this program. An *eligible business purpose* includes but is not limited to: start-up costs; working capital; business procurement; franchise fees; and acquisition of equipment, inventory, or services used in the production, manufacturing, or delivery of a business's goods or services, or the purchase, construction, renovation, or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of *eligible business purpose* excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership for investment or leasing; the purchase of securities; and lobbying activities as defined in Section 3 (7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

B. The loan should be a new extension of credit to the borrower, and shall not be used to support existing extensions of credit, including but not limited to prior loans, lines of credit, or other borrowings that were previously made available as a part of a state small business credit

enhancement program; no portion of the loan shall be used for any guaranteed or unguaranteed portion of a Small Business Administration (SBA) guaranteed loan or any other federal loan without prior written consent of the U.S. Treasury; and SBA guaranteed loans shall not be purchased through this program.

C. In connection with the business purpose for the requested loan the applicant/borrower(s) shall create or retain in this State at least one new permanent full-time job.

D. The following businesses shall be eligible for participation in this program, except for those ineligible businesses and purposes hereinafter shown:

1. small business concerns organized as a sole proprietorship qualified to do and doing business in Louisiana, or either a for profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above, or other entity which is registered and authorized to conduct business in the state of Louisiana that maintain an office in Louisiana;

2. small and emerging businesses (SEBs) certified by LED's small business services that maintain an office in Louisiana;

3. small businesses owned by socially and economically disadvantaged individuals (SEDI);

4. funding requests for any eligible business purpose may be considered, except for the following ineligible businesses or purposes:

a. restaurants (except for regional or national franchises), grills, cafes, fast food operations, motorized vehicle, trailer, curb-side, sidewalk or street vender food operations, and any other business or project established for the principal purpose of dispensing cooked food for consumption on or off the premises that have been in business less than two years;

b. bars, saloons, daiquiri shops, operations for the sale of alcoholic popsicles and other alcoholic food items, packaged liquor stores, including any other business or project established for the principal purpose of dispensing, packaging, or distributing alcoholic beverages;

c. any business or establishment which has gaming or gambling as its principal business;

d. any business or establishment which has consumer or commercial financing or lending activities as its business;

e. any business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants;

f. any business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as stock market investments, dealing in commodities futures, wildcatting for oil, and other speculative activities;

g. any business engaged in activities that are prohibited by applicable federal, state or local law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of products that are to be used in connection with any illegal activity, such as but not limited to selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business

includes direct and indirect marijuana businesses, as defined by SBA Standard Operating Procedures 50 10 6; or

h. funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation, rental, or any other passive real estate investment purposes;

i. funding for the purpose of establishing a park, theme park, amusement park, or camping facility;

j. funding for the principal purpose of refinancing existing debt; a refinancing of a loan previously made to the borrower by the lender or an affiliate of the lender; or a loan made in order to place under the CSP prior debt that is not covered under the CSP and that is or was owed by the borrower to the lender or to an affiliate of the lender;

k. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business; for the purpose of purchasing any portion of the ownership interest of any owner of a business; or for buying out any family member or reimbursing any family member;

l. funding for the purpose of reimbursing funds owed to any owner, including any equity injection or injection of capital for the business's continuance;

m. funding for paying any person to influence or attempt to influence any agency, elected official, officer or employee of a state or local government in connection with lobbying activities, the making, award, extension, continuation, renewal, amendment, or modification of any state or local government contract, grant, loan or cooperative agreement as such terms are defined in 31 U.S.C. §1352;

n. funding for paying any costs incurred in connection with:

i. any defense against any claim or appeal of the United States Government, any agency or instrumentality thereof (including the U.S. Department of Treasury), against the state of Louisiana, or

ii. any prosecution of any claim or appeal against the United States Government, any agency or instrumentality thereof (including the U.S. Department of Treasury), which the state of Louisiana instituted or in which the state of Louisiana has joined as a claimant;

o. funding to be used to pay any delinquent federal or state income taxes, as well as any taxes held in trust or escrow, such as payroll taxes or sales taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1910 (July 2022).

§9109. General Lender Provisions

A. The Louisiana Economic Development Corporation will be guided by the following general principles in approving or accepting loans or lines of credit under this program.

1. The corporation shall confirm that the financial institution lender has sufficient commercial lending experience and financial and managerial capacity to participate in this program. The corporation may utilize, among other resources, the lender's most recent call report or audited financial statement showing the percentage of commercial loans in its portfolio.

2. The corporation shall not knowingly approve any loan (or line of credit loan) if the applicant/borrower has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness, state or federal taxes, or a bankruptcy proceeding; nor shall the corporation approve any loan if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Further, the corporation shall not approve any loan if the applicant/borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations in which the applicant/borrower or his/her/its principle management has not been reinstated into society.

3. The terms or conditions imposed and made part of any loan (or line of credit) authorized by vote of the corporation's board, or its designated board committee, or LEDC staff shall not be amended or altered by any member of the board or employee of the LEDC or the Department of Economic Development except by subsequent vote of approval by the board, or designated board committee at the next meeting of the board or committee in open session with full explanation for such action.

4. Each participating lender shall be required to have a meaningful amount of its own capital resources at risk in each small business loan included in this program. Such lenders shall bear at least 20 percent or more of the loss from a small business loan default. The LEDC accepted loan (including line of credit loan) enrolled into this program shall not be sold, assigned to, or participated with other lenders (within lender's 20 percent risk interest, as described above), or otherwise transferred by lender without the prior written consent of the LEDC board.

5. The corporation shall not subordinate its position to other creditors.

B. Interest Rates. On all loans (or lines of credit), the interest rate is to be negotiated between the borrower and the lender, but shall not exceed the National Credit Union Administration's (NCUA) interest rate ceiling for loans made by federal credit unions as described in 12 U.S.C. § 1757(5)(A)(vi)(I) and set by the NCUA board. Further, on all loans and lines of credit, the interest rate shall not exceed the lesser interest rate of either: the National Credit Union Administration (NCUA) interest rate ceiling, that established by the Federal Credit Union Act (FCUA), that established by the Office of the Comptroller of the Currency (OCC), or applicable state legislation that may be enacted.

C. Borrower's Collateral

1. The value of the borrower's collateral shall be determined according to the lender's normal lending criteria and policy. The borrower is required to provide collateral to the loan as the intent of the CSP is to enhance loan collateral for qualified small business borrowers exhibiting a shortfall in collateral as required by the lender and who would not otherwise be able to obtain financing on acceptable terms and conditions.

2. The collateral position may be negotiated, but it shall be no less than a sole second position.

3. Borrower's Collateral Value Determination

a. Lender shall be required to verify the collateral value using commonly accepted collateral coverage standards.

b. The appraiser must be certified by a recognized organization in the area of the collateral.

c. The appraisal shall not be more than 90 days old, except in the instance of real estate which shall not be more than six months old.

4. Acceptable collateral from the borrower may include, but shall not be limited to, the following:

a. fixed assets—business real estate, buildings, fixtures;

b. business equipment, machinery, inventory;

c. accounts receivable with supporting aging schedule; but not to exceed 80 percent of receivable value.

5. Unacceptable borrower collateral may include, but shall not be limited to the following:

a. stock in applicant/borrower company and/or related companies;

b. personal items or borrower's primary residence;

c. intangibles; including but not limited to, digital currency such as cryptocurrency and non-fungible tokens (NFTs);

d. leasehold improvements.

6. Personal guarantees may be offered and accepted but will not count toward the value of the collateral; if to be used, signed and dated personal financial statements of the guarantors must also be submitted to LEDC.

D. Equity Requirements

1. Equity requirements shall be determined according to the lender's normal credit criteria and policy, but in no case shall the equity position be less than 10 percent.

2. Equity is defined to be:

a. cash;

b. paid-in capital;

c. paid-in surplus and retained earnings; or

d. partnership capital and retained earnings.

3. No research, development expense nor intangibles of any kind will be considered equity.

E. Limit on the Amount of LEDC's cash collateral deposit. For small business loans or lines of credit under this program, the corporation's loan cash collateral deposit shall be:

1. no greater than 50 percent, and not to exceed \$250,000, of the total principal amount of the loan (or line of credit) for loans or lines of credit amounts equal to or less than \$500,000;

2. no greater than 25 percent, and not to exceed \$250,000, of the total principal amount of the loan (or line of credit) for loans or lines of credit amounts greater than \$500,000, but not to exceed \$1,000,000.

F. Terms

1. Maturity, collateral, and other loan terms shall be negotiated between the borrower and the lender, and the LEDC shall have an opportunity to approve the terms of such loans prior to the closing; but loan term periods with regard to various types of loans shall be limited as follows:

a. for equipment term loans, term periods may extend for up to and not exceed five years.

b. for Revolving Lines of Credit (RLOC), term periods may extend for up to and not exceed three years.

c. for Non-Revolving Lines of Credit (NRLOC), term periods may extend for up to and not exceed two years.

d. for business real estate term loans, term periods may extend for up to and shall not exceed five years.

G. LEDC Program Fees

1. LEDC may charge a \$100 application fee, unless the board of directors, the board's designated committee, or LEDC staff waives the application fee.

2. Depending on the applicant/borrower's equity position in the business, LEDC will charge a collateral deposit program fee of up to 2 percent on the collateralized loan deposit amount, unless the board, the board's designated committee, or LEDC staff waives the collateral deposit program fee.

H. Use of Loan Funds (including Line of Credit Funds):

1. Loan funds shall be used for business purposes, including but not limited to the purchase of fixed assets, including buildings that will be owner occupied to the extent of at least 51 percent by the borrower for its own business purposes.

2. Loan funds may be used for the purchase of business equipment, machinery, or inventory.

3. Loan funds may be used for a line of credit for business accounts receivable or inventory.

4. Debt restructure may be considered by LEDC, but will not be considered when the debt:

a. exceeds 25 percent of the total loan;

b. pays off a creditor or creditors who are inadequately secured;

c. provides funds to pay off a debt to principals of the borrower business; and/or

d. provides funds to pay off family members.

5. Loan funds may not be used to buy out stockholders or equity holders of any kind, by any other stockholder or equity holder.

6. Loan funds may not be used to purchase any speculative investment or for real estate development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1911 (July 2022).

§9111. General Agreement Provisions

A. Master Lender CSP Participation Agreement

1. The lender shall conduct all of the customer/borrower interaction, and shall be responsible for the proper administration and monitoring of the loan (or line of credit), including monthly invoicing, collections, and loan workouts, and the proper liquidation of the collateral in the event of a default.

2. The lender shall agree to underwrite each loan (including line of credit) using its normal underwriting criteria and will perform a credit analysis of the borrower for each loan, assuming full responsibility for credit and ongoing security of the loan and will follow prudent industry loan underwriting processes and will determine that the collateral support to be provided under the CSP will be instrumental in order for the lender to make the loan. Lender will also determine that the amount required for deposit to the LEDC's collateral deposit account does not exceed the amount necessary to provide sufficient collateral for the loan.

3. The lender shall be responsible for the preparation of all loan (including line of credit) documents to be used in connection with such loans made and accepted under this program.

4. The lender shall rely solely on the funds deposited with the lender by LEDC in the cash collateral deposit account (the principal amount, but not the accrued interest on the deposit which is not included as a portion of the security for the unpaid principal due on the loan) provided as security for the repayment of the agreed percentage of the principal amount of the unpaid principal balance due on the loan made and accepted under this program. The lender shall indemnify and hold harmless the LEDC, the state of Louisiana, including any commissioners, directors, participants, officers, agents, employees and contractors (collectively, the "Indemnified Person(s)") who shall not be liable to the lender for any reason arising out of or related in any way to the loan, the loan documents or the participation agreement, against all claims, costs and expenses. This Section shall survive the payment in full of the loan, any return or draw upon the cash collateral deposit for the loan, or any termination of the applicable deposit agreement or other loan documents.

5. The LEDC accepted loan (including line of credit) enrolled into this program shall not be sold, assigned, participated with other lenders (within lender's 20 percent risk interest, as provided above in §9109.A.4), or otherwise transferred by lender without the prior written consent of the LEDC board.

6. Loan delinquency will be defined according to the lender's normal lending policy. Notification of delinquency will be made to the corporation in writing by lender submitting a completed, signed and dated CSP banker loan status monthly report within five business days after the end of the month/reporting period as stated in the Master lender CSP participation agreement.

7. If default by borrower continues for more than 90 calendar days in making payment, when due, of any installment of principal or interest on any note, the lender may demand in writing to LEDC to fully fund the deposit account by submitting a completed, signed and dated claim form notifying LEDC of the default reasonably describing the circumstances of the default. LEDC will deposit the remaining cash deposit of 50 percent of the current principal balance within 30 days after LEDC receives the written demand. Once the full collateral support deposit is requested for the deposit account, the lender may begin their standard collection and liquidation process.

8. All collection efforts, legal and liquidation processes shall be handled by the lender. In all collection efforts, legal and liquidation processes through foreclosure or otherwise, the lender will sell the collateral, handle the legal proceedings and documents, and absorb all expenses associated with these activities. All servicing actions, including collections, shall be the responsibility of the holder who shall follow accepted standards of loan servicing and collection employed by prudent lenders generally.

9. Thereafter, should any funds remain in the deposit account after the withdrawal and application of such funds, the remaining amount on deposit shall be returned by lender to LEDC, plus all interest accrued on the deposit account,

which accrued interest on LEDC's deposit account is not included as a portion of the collateral securing the loan.

B. LEDC CSP Loan and Deposit Agreement

1. The LEDC CSP loan and deposit agreement shall provide for the pledge by LEDC of cash collateral to the lender under this collateral support program (CSP). On or about the closing of the loan documents, LEDC shall deposit with the lender cash collateral in an amount not to exceed 50 percent of the principal amount of the loan, and not to exceed a maximum of \$250,000, on loan amounts no greater than \$500,000; or LEDC shall deposit with the lender cash collateral in an amount not to exceed 25 percent of the principal amount of the loan, and not to exceed a maximum of \$250,000, on loan amounts greater than \$500,000 but less than \$1,000,000, accepted by LEDC under this program to be placed in an interest bearing account or certificate of deposit (the LEDC CSP loan and deposit account or deposit account) in the name of LEDC to be maintained with the lender until the loan has been repaid, or the deposited funds are applied to the payment of not to exceed 25 percent or 50 percent (depending on the principal amount of the loan) or \$250,000 of the outstanding unpaid principal balance (but not the interest, lender fees or costs of collection) due on the loan; and thereafter, should any funds remain in the deposit account after the application of such funds, the remaining amount shall be returned by lender to LEDC, plus all interest accrued on the deposit account which is not included as a portion of the collateral securing the loan.

2. The corporation's cash collateral deposit shall be no greater than 25 percent or 50 percent (depending on the principal amount of the loan) for qualifying loan amounts not to exceed \$250,000 of the total original principal amount of the loan (or line of credit). LEDC's cash collateral deposit shall be pledged by LEDC to provide security for the payment of the agreed percentage of the principal amount of the loan or line of credit, not including interest due thereon. The lender shall retain an at risk position on each loan (or line of credit) of at least 20 percent of the original principal amount of the loan, or as payments are made and funds from other efforts are applied to the loan, and the principal amount is thereby reduced, lender's risk shall be likewise reduced to 20 percent of the unpaid principal balance remaining due, plus all interest accrued on the loan.

3. There may be from time to time, in the event LEDC elects to do so, a reduction of the LEDC's cash collateral deposit in proportion to the principal reduction of the amortized portion of the loan or line of credit; or if no principal reduction has occurred in any annual period of the loan (or line of credit), a reduction in the cash collateral deposit amount may be made in proportion to the remaining life of the loan or line of credit.

4. The LEDC's cash collateral deposit will secure and cover up to no more than 25 percent or 50 percent (depending on the principal amount of the Loan) on the unpaid balance on the principal amount owed only. The remaining 50 percent of the approved collateral support deposit will be deposited with the lender within 30 days of the time that LEDC receives the completed, signed and dated claim form as mentioned in §9111.A.7 above.

5. The corporation's cash collateral deposit account shall not be cross-pledged nor cross-collateralized with any other loan.

C. Reporting

1. Reporting will be required by all lenders under this program as required by the U.S. Treasury under the SSBCI program and as required by the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1912 (July 2022).

§9113. Confidentiality

A. Confidential information in the files of the corporation and its accounts acquired in the course of its duty is to be used solely for the corporation. The corporation is not obliged to give out any credit rating or confidential information regarding the applicant/borrower. (See Louisiana Attorney General's Opinion #82-860.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1914 (July 2022).

§9115. Conflict of Interest

A. No member of the corporation, employee thereof, or employee of the Department of Economic Development, or members of their immediate families shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the corporation for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation. If any contract or agreement shall be made in violation of the provisions of this Section, the same shall be null and void, and no action shall be maintained thereon against the corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1914 (July 2022).

§9117. Guidelines

A. The Louisiana Economic Development Corporation (LEDC), or the Louisiana Department of Economic Development, also known as Louisiana Economic Development (LED), as the administrators of this program, may make, create, or issue from time to time Guidelines interpreting, construing, explaining and/or supplementing these Rules; and may revise, supplement, or otherwise change or modify the guidelines at any time with or without notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1914 (July 2022).

Anne G. Villa
Undersecretary

2207#065

RULE

Department of Economic Development Office of Entertainment Industry Development

Motion Picture Production Tax Credit Program (LAC 61:I.Chapter 61)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Economic Development has amended the Motion Picture Production Tax Credit Program (R.S. 47:6007, et seq.) to better align the rules with current statutory provisions and administrative practices, as required by portions of Act 309 of the 2017 Regular Session of the Louisiana Legislature. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue Chapter 61. Motion Picture Production Tax Credit Program

§6101. Purpose

A. ...

B. This Chapter shall be administered to achieve the following:

1. to encourage development of a strong capital base within the state for the motion picture and related industries;
2. to achieve a self-supporting, independent, indigenous industry; and
3. to encourage development of state of the art motion picture production and post-production facilities:

a. in the short-term, to attract private investors in state-certified productions;

b. in the long-term, to encourage the development of a skilled state workforce trained in the film and video industry.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:52 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:868 (July 2019), LR 48:1914 (July 2022).

§6103. General Description

A. For application received on or after July 1, 2017, state-certified productions may be eligible for up to a 40 percent tax credit on total qualified in-state expenditures, including resident and non-labor as follows:

1. Base Investment Credit

a. Base Rate. State-certified productions with a total base investment greater than \$300,000, or for Louisiana screenplay state-certified productions with a total base investment equal to or greater than \$50,000, a tax credit of 25 percent of the base investment may be allowed;

b. Louisiana Screenplay. State-certified productions with expenditures equal to or greater than \$50,000, but not

greater than \$5,000,000, based upon a screenplay created by a Louisiana resident, may be eligible for an increased 10 percent credit of the base investment, for a total of 35 percent.

c. Out of Zone Filming. State-certified productions that have their production office and at least 60 percent of principal photography based and occurring outside of the New Orleans Metropolitan Statistical Area (NOLA-MSA) may be eligible for an increased 5 percent credit of base investment, for a total of 30 percent or 40 percent total for a Louisiana screenplay shot out of the zone.

i. In NOLA-MSA zone: Orleans, Jefferson, Plaquemines, St. Bernard, St. Charles, St. James and St. Tammany Parishes, Out-of-zone: All other parishes including St. John the Baptist Parish.

2. Additional Payroll and Visual Effects (VFX) Credits

a. Louisiana Resident Payroll. Compensation for services paid directly to a Louisiana resident may be eligible for an additional 15 percent credit for qualified Louisiana resident payroll only.

i. Payments made to a loan-out company are not eligible for this additional credit.

b. VFX. If at least 50 percent of the VFX budget is expended for services performed in Louisiana by an approved qualified entertainment company (QEC), or a minimum of \$1,000,000 in qualified expenditures are made in Louisiana, an additional 5 percent credit may be allowed on the qualified VFX spend only.

3. Tax credits shall be earned at the time expenditures are certified by LED. The maximum credit rate, including base investment increases and additional payroll credits is 40 percent of the base investment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:52 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:868 (July 2019), LR 48:1915 (July 2022).

§6105. Definitions

A. - B. ...

Base Investment—cash or cash equivalent investment made and used for production expenditures in the state for a state-certified production.

Begin Construction—Repealed.

Commissioner—Repealed.

Division—Repealed.

Expenditure—actual payment of cash or cash equivalent, paid by or on behalf of a state certified production exchanged for goods or services, as evidenced by an invoice, receipt or other such document.

Investor—any individual or entity that makes an investment in a state-certified production including but not

limited to any individual or entity that is identified as a source of funds for a state certified production on its expenditure verification report, individual or entity identified as an irrevocable designee for receipt of tax credits.

LDR—Louisiana Department of Revenue

Louisiana Publisher—Repealed.

Louisiana Resident—a natural person who is required to file a Louisiana resident individual income tax return.

Louisiana Screenplay—a screenplay created by a Louisiana resident, as evidenced by documents such as certificate of authorship, a WGA registration certificate, the records of the United States Copyright Office, or other documentation approved by the office.

Non-Applicable Production Expenditures—the following expenses are not eligible to earn tax credits:

a. - h. ...

i. expenditure verification report deposit and fees;

j. For applications received on or after July 1, 2016, bond fees, insurance premiums, finance fees and loan interest fees shall not qualify for tax credits, except for fees paid to certain Louisiana companies, in which case the expenditures to be allocated only on a pro rata basis, allocating the fees based on the relative percentage of production activity occurring in Louisiana;

k. For applications received on or after July 1, 2017, catering and craft services shall not qualify for tax credits unless such expenditures are made to a source within the state.

Production Expenditures—preproduction, production and postproduction expenditures directly incurred in this state that are directly used in a state-certified production, whether the production company directly contracts or subcontracts such work, including without limitation the following:

a. - l. ...

m. payments to a loan-out or personal services corporation for the services of an out-of-state hire are allowed as long as the services are performed in Louisiana on a state certified production and all withholding requirements are met.

Qualified Louisiana Production Company—Repealed.

Source within the State—a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee. Procurement companies that meet the requirements of La. R.S. 47:6007(B)(30) shall constitute a “source within the state”.

State-Certified Infrastructure Project—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:300 (February 2017), LR 48:1915 (July 2022).

§6107. Certification Procedures

- A. - A.1.b.i.(m).(iii). ...
- ii. - ii.(j). Repealed.
- 1.c. - 2.f. ...

3. An application is not deemed to be complete until all information requested and required fees are received by LED. Required fees include both an application fee and an expenditure verification deposit fee.

B. Qualification. The office and the secretary, and in the case of infrastructure projects, the division, shall determine whether a production qualifies for certification, by meeting all requirements of R.S. 47:6007 and these regulations, and taking the following factors into consideration:

- 1. the impact of the production on the immediate and long-term objectives of R.S. 47:6007;
- 2. the impact of the production on the employment of Louisiana residents;
- 3. the impact of the production on the overall economy of the state.

- C. - C.1.b.ii. ...
- iii. - vii. Repealed.

C.2. - D.1.d. ...

2. When requesting final certification of credits, the motion picture production company applicant shall submit to the office the following:

a. a cost report, certified by a state licensed, independent certified public accountant and complying with the minimum standards as required by R.S. 47:6007(D)(2)(d). The cost report may be subject to additional audit by the department—or the Department of Revenue, at the applicant’s expense.

- i. - ii. ...

iii. Reimbursement of Audit Costs. The department may undertake additional audit at the applicant’s expense, to be performed by a state certified public accountant also certified in financial forensics or also certified as a fraud examiner. Audit fees will be assessed at the department’s contracted fee;

b. additional information as may be requested.

3. - 3.a.i. ...

b. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2017

i. After review and determination of qualification, the office and the secretary shall issue a final certification letter, in accordance with the provisional allocations and amounts set forth in the initial certification letter, or a written denial.

ii. In the event that less than the reserved amount of tax credits has been verified, any unused credits will be released and may be available for issuance by the office.

iii. In the event that more than the reserved amount of tax credits has been verified, the office shall preliminarily issue tax credits in an amount not to exceed the total indicated in the initial certification letter, but may at its discretion, issue any excess credits in the same final certification letter or subsequently issue a supplemental tax credit for any excess expenditures, subject to availability of credits in any given fiscal year.

D.4 - E.2.c. ...

d. the written determination shall be the final agency decision of the department;

e. the applicant may appeal an adverse decision to the Nineteenth Judicial District Court, which shall be limited to a review of the administrative record.

3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:55 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 37:514 (February 2011), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016), LR 48:1916(July 2022).

§6109. Additional Program Provisions

A. The following additional provisions shall apply to applications received on or after July 1, 2017:

1. LED total program issuance cap. The aggregate dollar amount of tax credits issued for all state-certified productions shall not exceed \$150,000,000 per fiscal year;

2. LDR taxpayer claims cap. Tax credit claims and transfers to the state (“buy-back”) shall be limited to an aggregate total of \$180,000,000 per fiscal year;

3. LED individual project issuance cap. The maximum amount of credits certified by LED for a single state-certified production shall be \$20,000,000, which may be structured over two or more years in the initial certification letter;

a. Except for state-certified productions for scripted episodic content that may be granted up to \$25,000,000 in credits per season.

4. LED individual salary cap. The maximum amount of qualifying payroll expenditures per individual shall be \$3,000,000. Payroll payments in excess of \$3,000,000 made directly or indirectly to an individual or loan-out shall be excluded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:56 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:874 (July 2019), LR 48:1916 (July 2022).

§6111. Additional Program Provisions—Infrastructure Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:56 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:874 (July 2019), repealed LR 48:1916 (July 2022).

§6115. Louisiana Screenplay Credit Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:301 (February

2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:877 (July 2019), repealed LR 48:1916 (July 2022).

§6117. Louisiana Music

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:1656 (October 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:877 (July 2019), repealed LR 48:1917 (July 2022).

§6119. Louisiana Promotional Graphic

A. For applications for state-certified productions initially certified received on or after July 1, 2017 at time of request for final certification, state certified productions shall be required to acknowledge the financial assistance of the state of Louisiana—either through the inclusion of a Louisiana promotional graphic meeting requirements set forth below, or that an alternative marketing opportunity has been approved in writing by LED.

1. - 2.ix. ...

3. A donation to a Louisiana nonprofit film grant program, as approved by LED.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:1656 (October 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:878 (July 2019), LR 48:1917 (July 2022).

§6121. Louisiana Filmmaker Credit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:301 (February 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:878 (July 2019), repealed LR 48:1917 (July 2022).

Anne G. Villa
Undersecretary

2207#069

RULE

Department of Economic Development Office of Business Development and Louisiana Economic Development Corporation

Small Business Loan Guaranty Program (SBLGP) (LAC 19:VII.Chapter 1)

The Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104, 36:108 and 51:2312, has amended Rules for the Small Business Loan Guaranty

Program (“SBLGP”). This Rule is hereby adopted on the day of promulgation.

Title 19

CORPORATION AND BUSINESS

Part VII. Louisiana Economic Development Corporation

Subpart 1. Small Business Loan Guaranty Program

Chapter 1. Loan Guaranty Policies

§101. Purpose

A. ...

B. The corporation will consider sound business loans, lines of credit, loan guaranties and loan participations so long as resources permit. The board of directors of the corporation recognizes that lending money, guaranteeing loans or participating in loans carries certain risks and is willing to undertake reasonable exposure.

C. ...

AUTHORITY NOTE: Promulgated in accordance with LA. R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:445 (June 1989), re-promulgated LR 23:40 (January 1997), LR 26:2255 (October 2000), amended LR 26:2255 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:993 (April 2012), LR 48:1917 (July 2022).

§103. Definitions

* * *

Line of Credit—Repealed.

Lender Insider—an executive officer, director, or principal shareholder of the lender, or a member of the immediate family of an executive officer, director or principal shareholder of the lender, or a related interest of such executive officer, director, principal shareholder or member of the immediate family. For the purposes of this provision, the terms executive officer, director, principal shareholder, immediate family, and related interest shall have the respective meaning ascribed thereto in Federal Reserve Act Sections 22(g) and (h), Federal Reserve Board Regulation O and applicable Office of the Comptroller of the Currency or Office of Thrift Supervision.

Loan—the temporary provision of money or funds for a business purpose, usually for a limited term and requiring the payment of interest along with the repayment of the loaned funds. As used herein, the word “loan” includes a line of credit loan guarantee, term loan guarantee and loan participation.

* * *

Small and Emerging Business—a Louisiana business certified as a Small and Emerging Business (SEB) by the Louisiana Department of Economic Development's Small Business Services.

* * *

AUTHORITY NOTE: Promulgated in accordance with LA. R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:40 (January 1997), amended LR 26:2255 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:993 (April 2012), LR 48:1917 (July 2022).

§105. Application Process

A. Any applicant/borrower(s) applying for either a loan guarantee, line of credit guarantee, or loan participation will be required first to contact a financial lending institution (a bank or other commercial lending entity) that is willing to entertain, originate, process and service such a loan or line of credit with the prospect of a guaranty or a participation, and the lender will then contact LEDC for qualification and shall submit a complete application to LEDC for review and approval. The financial institution shall also be responsible for obtaining assurances of eligibility from each borrower.

B. - C.1. ...

2. Small and Emerging Businesses (SEBs) applying for assistance under that provision will have to submit a copy of the certification from the Louisiana Department of Economic Development's Small Business Services, along with the request for financial assistance.

3. - 10. ...

11. The applicant/borrower or the lending institution will be notified within five (5) business days by mail or e-mail of the outcome of the application process.

12. An LEDC commitment letter, including LEDC's terms, and any stipulations or requirements, will be mailed or e-mailed by LEDC staff to the lending institution within five business days of approval by the LEDC Board or its committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department Economic Development, Economic Development Corporation, LR 15:446 (June 1989), amended LR 23:40 (January 1997), LR 26:2255 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:994 (April 2012), LR 48:1918 (July 2022).

§107. Eligibility/Ineligibility for Participation in this Program

A. - B. ...

1. Small business concerns organized as a sole proprietorship qualified to do and doing business in Louisiana, or either a for profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above, or other entity which is registered and authorized to conduct business in the State of Louisiana that maintain an office in Louisiana;

2. Small and Emerging Businesses (SEBs) certified by LED's Small Business Services that maintain an office in Louisiana;

3 - 4. ...

a. restaurants (except for regional or national franchises), including grills, cafes, fast food operations, motorized vehicle, trailer, curb-side, sidewalk or street vender food operations, and any other business or project established for the principal purpose of dispensing cooked food for consumption on or off the premises having been in operations less than two years;

b. bars, saloons, daiquiri shops, operations for the sale of alcoholic popsicles and other alcoholic food items, packaged liquor stores, including any other business or project established for the principal purpose of dispensing, packaging, or distributing alcoholic beverages;

c. - e. ...

f. funding for the principal purpose of refinancing existing debt unless under the following conditions:

i. a lender may refinance a borrower's existing loan, line of credit, extension of credit, or other debt originally made by an unaffiliated lender only if the following conditions are met:

(a). the amount of the refinanced loan or other debt is at least 150 percent of the previous outstanding balance;

(b). the transaction results in a 30 percent reduction in the fee-adjusted APR contracted for the term of the new debt, to help ensure that funding is used only for transactions that meaningfully benefit borrowers by providing access to sustainable products; and

(c). proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

ii. a lender may use funds to support a new extension of credit that repays the amount due on a matured loan or other debt that was previously used for an eligible business purpose when all the following conditions are met:

(a). the amount of the new loan or other debt is at least 150 percent of the outstanding amount of the matured loan or other debt;

(b). the new credit supported with funding is based on a new underwriting of the small business's ability to repay the loan and new approval by the lender;

(c). the prior loan or other debt has been paid as agreed and the borrower was not in default of any financial covenants under the loan or debt for at least the previous 36 months (or since origination, if shorter); and

(d). proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

g. - i. ...

j. funding for the purpose of pyramid sales;

k. funding activities related either directly or indirectly to cryptocurrency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:446 (June 1989), amended LR 23:41 (January 1997), LR 26:2255 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:994 (April 2012), LR 48:1918 (July 2022).

§109. General Loan Guaranty and Loan Participation Provisions

A. The Louisiana Economic Development Corporation will be guided by the following general principles in approving loan guaranties, line of credit guaranties, or loan participations.

1. The corporation shall confirm that the financial institution lender has sufficient commercial lending experience and financial and managerial capacity to participate in this program. The corporation may utilize, among other resources, the financial institution's most recent call report showing the percentage of commercial loans in its portfolio.

2. The corporation shall not knowingly approve any loan guarantee, line of credit guarantee, or loan participation if the applicant/borrower has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of

indebtedness, state or federal taxes, or a bankruptcy proceeding; nor shall the corporation approve any loan, line of credit, loan guarantee or participation if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Further, the corporation shall not approve any loan guarantee, line of credit guarantee, or participation if the applicant/ borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations.

3. The terms or conditions imposed and made part of any loan guarantee, line of credit guarantee, or loan participation authorized by vote of the corporation board, its board screening committee or its other designated committee shall not be amended or altered by any member of the Board or employee of the Department of Economic Development except by subsequent vote of approval by the board, its board screening committee or other designated committee at the next meeting of the board or committee in open session with full explanation for such action.

4. Each financial institution lender shall be required to have a meaningful amount of its own capital resources at risk in each small business loan included in this program. Such lenders shall bear at 20 percent or more of the loss from a small business loan default.

5. The corporation shall not subordinate its position to other creditors.

B. Interest Rate

1. On all loans or lines of credit guarantees, the interest rate is to be negotiated between the borrower and the lender, but shall not exceed the lesser interest rate of either; 5 percent per annum above New York prime as published in the Wall Street Journal at either a fixed or variable rate; the interest rate cap as established by either the Federal Credit Union Act (FCUA), that established by the Office of the Comptroller of the Currency (OCC), or applicable State legislation that may be enacted.

2. ...

C. Collateral

1. The value of the collateral shall be no less than the guaranteed portion of the loan.

2. The value of the collateral required for certified small and emerging businesses loans may be up to 80 percent.

3. The collateral position may be negotiated, but it shall be no less than a sole second position.

4. Collateral Value Determination

a. The appraiser must be certified by a recognized organization in the area of the collateral.

b. The appraisal shall not be more than 90 days old, except for real estate loans, which shall not be more than 6 months old.

5. Acceptable collateral may include, but shall not be limited to, the following:

- a. fixed assets—business real estate, buildings, fixtures;
- b. equipment, machinery, inventory;

c. accounts receivable with supporting aging schedule; but not to exceed 80 percent of receivable value (to be used with personal guarantee only).

6. Unacceptable collateral may include, but shall not be limited to the following:

a. stock in applicant/borrower company and/or related companies;

b. personal items or borrower's primary residence;

c. intangibles; to include but not limited to, digital currency such as cryptocurrency and NFTs.

7. Personal guarantees may be offered but will not count towards the value of the collateral; if to be used, a signed and dated personal financial statements of the guarantors must also be submitted to LEDC.

D. Equity Requirements

1. Equity required will be no less than 15 percent of the loan or line of credit amount for a start-up operation, or acquisition, or expansion. However, if the equity requirement as noted above is not available for a guarantee the following chart may be applied which provides for a guarantee fee attached to a lesser equity position.

Equity %	Guarantee Fee
15 %	3.00 %
14 %	3.20 %
13 %	3.40 %
12 %	3.60 %
11 %	3.80 %
10 %	4.00 %

*In no case shall the equity position be less than ten (10%) percent.

2 – 3. ...

E. Limit on the Amount of LEDC's Guarantee:

1. For small business loans, the corporation's loan guarantee shall be no greater than 80 percent of a loan not to exceed a guaranty amount of \$1,500,000.

2. For certified small and emerging business loans, or disabled person's business enterprise loans, the corporation's loan guarantee shall be no greater than 90 percent of a loan not to exceed a guaranty amount of \$1,500,000.

3. For small businesses, the corporation's loan participation shall be no greater than 40 percent, but in no case shall it exceed \$1,500,000.

4. For certified small and emerging businesses, or disabled person's business enterprises, the corporation's loan participation shall be no greater than 50 percent, but in no case shall it exceed \$1,000,000.

F. Terms

1. Maturity, collateral, and other loan terms shall be negotiated between the borrower and the applicant/lending institution, and the LEDC shall have an opportunity to approve the terms of such loans prior to the closing; but guaranty term periods with regard to various types of loan guaranties shall be limited as follows:

a. for revolving lines of credit (RLOC) guarantee term periods may extend for up to and not exceed seven years.

b. for equipment term loans guarantee term periods may extend for up to and not exceed 10 years.

c. for real estate term loans guarantee term periods may extend for up to and shall not exceed 25 years.

G. LEDC SBLGP Program Fees

1. LEDC will charge a guaranty program fee not to exceed a maximum amount of 4 percent on the guaranteed loan amount, unless the board, the board screening committee or other designated committee waives the guaranty fee.

2. LEDC will charge a \$100 application fee, unless the board, the board screening committee or other designated committee waives the application fee.

3. LEDC will share in a pro-rata position in any fees assessed by the lender on a loan participation.

4. LEDC will waive the application fee and program fee for businesses certified by LED as an SEB.

H. Use of Loan Funds

1. Loan funds may be used for business purposes, including but not limited to the purchase of fixed assets, including buildings that will be occupied by the applicant/borrower to the extent of at least 51 percent.

2. Loan funds may be used for the purchase of equipment, machinery, or inventory.

3. Loan funds may be used for a line of credit for accounts receivable or inventory.

4. Debt restructure may be considered by LEDC, but will not be considered when the debt:

a. exceeds 25 percent of the total loan, with the following exception:

i. a maximum of 35 percent may be considered on a guaranteed loan, but the guaranteed percentage will be decreased by 5 percent;

b. pays off a creditor or creditors who are inadequately secured;

c. provides funds to pay off a debt to principals of the borrower business; and/or

d. provides funds to pay off family members.

5. Loan funds may not be used to buy out stockholders or equity holders of any kind, by any other stockholder or equity holder.

6. Loan funds may not be used to purchase any speculative investment or real estate development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:448 (June 1989), amended LR 23:41 (January 1997), LR 26:2256 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:995 (April 2012), LR 40:LR: (January 2018), LR 48:1918 (July 2022).

§111. General Guaranty Agreement Provisions

A. - A.2 ...

3. If liquidation through foreclosure occurs, the lender will sell the collateral, handle the legal proceedings, and absorb all expenses associated with these activities.

4. - 5. ...

6. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined in the guarantee agreement. Notification of delinquency will be made to the corporation in writing by submitting a completed, signed and dated SBLGP banker loan status monthly report within five business days after the end of the month/reporting period and as stated in the guarantee-agreement.

B. Loan Participation Agreement

1. - 3 ...

4. Should liquidation through foreclosure occur, the lender will sell the collateral and handle the legal proceedings and absorb all expenses associated with these activities.

5. ...

6. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined in the participation agreement. Notification of delinquency will be made to the corporation in writing by submitting a completed, signed and dated SBLGP banker loan status monthly report within five business days after the end of the month/reporting period; as stated in the loan participation agreement.

C. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:448 (June 1989), amended LR 23:42 (January 1997), LR 26:2257 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:996 (April 2012), LR 48:1920 (July 2022).

Anne G. Villa
Undersecretary

2207#068

RULE

**Department of Economic Development
Office of Business Development
and
Louisiana Economic Development Corporation**

**SSBCI Micro Lending Program ARPA 2021
(LAC 19:VII.Chapter 76)**

The Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104, 36:108 and 51:2312, has adopted Rules for the Micro Lending Program for the State Small Business Credit Initiative (SSBCI) authorized by the American Rescue Plan Act (ARPA) of 2021, otherwise known as "SSBCI Micro Lending Program ARPA 2021". This Rule is hereby adopted on the day of promulgation.

Title 19

CORPORATION AND BUSINESS

Part VII. Louisiana Economic Development Corporation

Subpart 9. Micro Loan Program

Chapter 76. SSBCI Micro Lending Program ARPA 2021

§7601. Purpose

A. The Louisiana Economic Development Corporation (LEDC) wishes to stimulate the flow of private capital, short term loans, lines of credit loans, and other financial assistance through a mission driven focus in creating a revolving loan fund for the sound financing of the

development, expansion, and retention of small business concerns in Louisiana as a means of helping to start or grow their business and of providing employment, income growth, and expanded economic opportunities, especially to Small Businesses owned by Socially and Economically Disadvantaged Individuals (SEDI) and to those Very Small Businesses (VSB).

B. Through the American Rescue Plan Act of 2021, which reauthorized the State Small Business Initiative (SSBCI), the U.S. Congress has appropriated funds to be allocated and disbursed to the states that have created programs to increase the amount of capital made available by private lenders to small businesses, and the State of Louisiana has been approved to receive and disburse SSBCI funds within the SSBCI Program. The Louisiana Department of Economic Development, which will be working with and through LEDC, has been designated to provide services for the SSBCI, including the Micro Lending Program (MLP), which by a Program Participation Agreement previously entered into, between LEDC and the Lender to make additional capital available for the loan. The LEDC will utilize SSBCI funds to increase access to credit and capital funding to further assist small businesses statewide, to expand loan capabilities to a broader range of businesses statewide, to direct a greater concentration to those small businesses, and to reach, identify and promote small business growth in low and moderate income communities, in minority communities, in other underserved communities, and to small businesses owned by socially and economically disadvantaged individuals across our state.

C. By partnering with Louisiana CDFIs and other qualifying lenders who share a similar mission driven focus as the purpose of this program, LEDC will provide funding to participating CDFIs, and other qualifying lenders having been approved as a participating lender, for the purpose of making direct loans up to \$100,000 to small businesses meeting the SSBCI criteria as outlined in the program participation agreement.

D. Interested small businesses will be referred to participating Lenders for loan qualification purposes. Participating Lenders will apply to LEDC for acceptance to enroll a loan or line of credit under the Program on behalf of their qualified small business borrowers. Participating Lenders are responsible for their own credit underwriting decisions and originating the loans. LEDC's responsibility is: to ensure compliance with the Micro Lending Program requirements; ensure compliance with the SSBCI requirements as directed by Treasury, as well as participation in the program; and to report to the U.S. Treasury.

E. In considering acceptance of the loans presented to LEDC through Lenders having agreed to participate in the Micro Lending Program, the Corporation will consider sound business purpose loans and lines of credit, so long as SSBCI resources permit. The board of directors of the corporation recognizes that loan participations carry certain risks and are willing to undertake reasonable exposure.

F. LEDC will monitor the program, including the repayment progress of borrowers, as well as the servicing performance of participating lenders, in order to ensure successful outcomes in the form of program utilization and eventual securing of funds for these groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1920 (July 2022).

§7603. Definitions.

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in prevailing federal guidelines issued by the U.S. Treasury, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Board—Board of Directors of Louisiana Economic Development Corporation.

Borrower—also referred to herein as the *applicant/borrower* or *customer/borrower*; the business person or entity borrowing and accepting the loaned funds from the Lender.

Corporation—Louisiana Economic Development Corporation.

CDFI—*Community Development Financial Institution* - has the meaning given that term under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994

CDFI Investment Area—defined in 12 C.F.R. § 1805.201(b)(3)(ii)—are generally low-income, high-poverty geographies that receive neither sufficient access to capital nor support for the needs of small businesses, including minority-owned businesses.

Eligible Loan—a loan or line of credit commitment made by the lender to the borrower which meets the established SSBCI criteria.

Enrolled Loan—a loan enrolled by the Lender to a Borrower pursuant to the terms of the Lender Participation Agreement whereby the eligible loan has been accepted in writing by LEDC.

LED—Louisiana Department of Economic Development.

LEDC—Louisiana Economic Development Corporation.

Lender—for purposes of this Program Chapter, also referred to herein as the *lender*; the Community Development Financial Institution or other qualifying lender sharing a similar mission driven focus as this program and who has been approved by LED as a participating MLP lender to originate the loan and provide the loan funds to the Borrower.

Lender Insider—means an executive officer, director, or principal shareholder of the lender, or a member of the immediate family of an executive officer, director or principal shareholder of the lender, or a related interest of such executive officer, director, principal shareholder or member of the immediate family. For the purposes of this provision, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* shall have the respective meaning ascribed thereto in Federal Reserve Act Sections 22(g) and (h), Federal Reserve Board Regulation O and applicable Office of the Comptroller of the Currency or Office of Thrift Supervision.

Loan—the temporary provision of money or funds for a business purpose, usually for a limited term and requiring the payment of interest along with the repayment of the

loaned funds. As used herein, the word *loan* includes a line of credit or term loan originated by a participating CDFI, or other participating lender, of this chapter.

Lender Loan Documents—written documentation evidencing an Enrolled Loan from the Lender to the Borrower pursuant to the Micro Loan Program describe herein and includes, but is not limited to, a loan agreement, note, mortgage, security agreement and guaranty agreement.

Maximum Enrolled Loan Amount—the aggregate outstanding amount of \$500,000 for any enrolled loans or loans of a borrower or any common enterprise in which the borrower has an ownership interest.

Micro Loans—those loans ranging in size from \$1,000 to \$100,000.

Micro Lending Program (MLP)—an OSCP program approved by Treasury which is the subject of this Chapter

Passive Real Estate Ownership—ownership of real estate for the purpose of deriving income from speculation, trade or rental, except that such term shall not include:

a. the ownership of that portion of real estate being used or intended to be used for the operation of the business of the owner of the real estate; or

b. ownership of real estate for the purpose of construction or renovation, until the completion of the construction or renovation phase.

Small Business Concerns—for purposes of size; eligibility for this program will be limited to businesses with 100 employees or less.

Socially and Economically Disadvantaged Individual (SEDI) Owned Business—

a. business enterprises that certify that they are owned and controlled by individuals who have had their access to credit on reasonable terms diminished as compared to others in comparable economic circumstances, due to their:

i. membership of a group that has been subjected to racial or ethnic prejudice or cultural bias within American Society;

ii. gender;

iii. veteran status;

iv. limited English proficiency;

v. physical handicap;

vi. long-term residence in an environment isolated from the mainstream of American society;

vii. membership of a federally or state-recognized Indian Tribe;

viii. long-term residence in a rural community;

ix. residence in a U.S. Territory;

x. residence in a community undergoing economic transitions (including communities impacted by the shift towards a net-zero economy or deindustrialization); or

xi. membership of another *underserved community* as defined in Executive Order 13985;

b. business enterprises that certify that they are owned and controlled by individuals where residences are in CDFI investment Areas, as defined in 12 C.F.R. §1805.201(b)(3)(ii);

c. business enterprises that certify that they will operate a location in a CDFI Investment Area, as defined in 12 C.F.R. §1805.201(b)(3)(ii); or

d. business enterprises that are located in CDFI Investment Areas, as defined in 12 C.F.R. § 1805.201(b)(3)(ii).

Very Small Business—a business with fewer than 10 employees; may include independent contractors and sole proprietors

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1921 (July 2022).

§7605. Application Process

A. Applicant is required to first contact a participating community development financial lending institution (CDFI), or other participating lender, under the Louisiana Economic Development (LED) SSBCI Micro Lending Program that is willing to entertain, originate, process and service such a loan or line of credit; and confirms the loan request is an SSBCI eligible loan before completing the program enrollment application process with LEDC. The participating Lender will then contact LEDC for qualification and shall submit a complete Micro Lending Program Enrollment Application to LEDC for its review and acceptance as an enrolled loan, or enrolled line of credit, under the Program. The Lender shall also submit to LEDC the Lender's assurances, certifications, representations and warranties, and shall be responsible for obtaining and submitting to LEDC assurances of eligibility, including certifications, representations and warranties from each borrower, all as required by the American Rescue Plan Act of 2021.

B. Information submitted to LEDC with the enrollment application representing the applicant's business plan, financial position, financial projections, personal financial statements and background checks will be kept confidential to the extent allowed under the Public Records Law, R.S. 44:1 et seq. Confidential information in the files of LEDC and its accounts acquired in the course of duty will be used solely by and for LEDC.

C. In order to enroll a loan under the SSBCI Micro Lending Program, the lender shall

1. file the loan for enrollment by delivering or causing to be delivered to LEDC a copy of the program enrollment application packet as may be specified by LEDC, bearing an execution signature of an authorized officer of the lender;

2. submit such additional documentation required for Lender to review and underwrite the loan request;

3. executed lender and borrower assurances, certifications and information reasonably required by the corporation and related to the loan to be enrolled. The loan shall be deemed enrolled in the SSBCI Micro Lending Program at such time as the program enrollment application is accepted, in writing, by LEDC.

D. Businesses applying for consideration as a SEDI owned business will have to self-certify under conditions in Paragraphs a - c as noted above in §7503 under SEDI-Owned Business definition.

E. The following micro lending program submission and review policies shall be followed.

1. A completed Louisiana Economic Development Corporation Micro Lending Program enrollment application form along with information identified by LEDC as appropriate must be submitted to LEDC prior to any loan closing.

2. The participating lender is expected to use its best efforts to provide small Louisiana businesses, SEDI, with maximum practicable opportunity to participate in the micro lending program.

3. The borrower's completed micro lending program enrollment application packet must be submitted by the Lender to LEDC and include:

4. Borrower's completed LED micro lending program enrollment application and related information and materials.

5. The participating lender shall submit to LEDC its complete analysis and evaluation, proposed loan structure, and commitment letter to the borrower. LEDC staff may do its own review and evaluation of the enrollment application packet. The participating lender shall submit to LEDC the same pertinent data that it submitted to the lending institution's loan committee, whatever pertinent data the lending institution can legally supply.

6. Businesses applying for consideration as a SEDI owned business will have to self-certify under conditions in Paragraphs a - c as noted above in §7503 under SEDI-owned business definition.

7. Lender and borrower signed assurances and certifications as required by Treasury at the time of application for enrollment.

8. LEDC staff will review the enrollment application for completeness and compliance requirements as required by treasury under the SSBCI program and then approve and accept as an enrolled loan or disapprove and reject the enrollment application, if the dollar amount of the loan is within its board approved authority, or make recommendations to the board committees and to the board for approval and acceptance as an enrolled loan or disapproval and rejection under the micro lending program.

9. The LEDC's board screening committee, the board's other designated committee, or the board itself, may review only the completed enrollment applications and related materials submitted by LEDC staff and may approve and accept as an enrolled loan or disapprove and deny applications for enrollment under the program within the committee's authority as established by the LEDC board, or board committees will make recommendation to the LEDC board for its decision.

10. The applicant/borrower or their designated representative(s), and the loan officer or a representative of the lender may be required to attend the LEDC's board of directors meeting wherein the program enrollment application will be considered by the board.

11. LEDC's board of directors, the board screening committee, or the board's other designated committee that has considered the enrollment application within its authority has for such enrollment applications; except for those loans which shall be within the staff's authority to approve and accept for enrollment or disapprove, as established by the LEDC board, the staff shall the final approval of acceptance as an enrolled loan under the

program or disapproval and denial authority, unless the board overrules the staff's decision.

12. The LEDC staff will report to the board monthly those loans accepted for enrollment under the program, as well as those loans not approved by the lender under the program.

13. Loans originated by participating community development financial institutions (CDFIs), or other participating lenders, under the micro lending program must qualify under the SSBCI treasury guidance. Lenders interested in participating under the program must first gain approval by LEDC. CDFIs, and other participating lenders, will reference their internal credit policies to underwrite the loan for acceptable terms and structure. The lender is responsible for all loan closing documentation.

14. LEDC staff will email the Lender within 3 business days of the loan closing written notice that the enrollment application has been approved and accepted as an enrolled loan under the micro lending program.

F. Loan Purpose Requirements and Prohibitions. In addition to the application process provisions provided in the Section mentioned in the above subparagraph A, in connection with each loan to be enrolled under this Chapter the lender shall also be responsible for obtaining and providing to LEDC with the lender's enrollment application an assurance from each borrower stating that the loan proceeds shall not be used for any impermissible purpose under the SSBCI Program. And additionally, each lender must also obtain and provide to LEDC with its enrollment application under this Chapter an assurance from the borrower affirming:

1. The loan proceeds must be used for a business purpose. A business purpose includes, but is not limited to, start-up costs, working capital, business procurement, franchise fees, equipment, inventory, as well as the purchase, construction renovation or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of *business purpose* excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership, the purchase of securities; and lobbying activities as defined in Section 3 (7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

2. The loan proceeds will not be used to:

a. repay a delinquent federal or state income taxes unless the borrower has a payment plan in place with the relevant taxing authority; or

b. repay taxes held in trust or escrow, e.g. payroll or sales taxes; or

c. reimburse funds owed to any owner, including any equity injection or injection of capital for the business' continuance; or

d. purchase any portion of the ownership interest of any owner of the business.

3. The borrower is not:

a. an executive officer, director, or principal shareholder of the financial institution lender; or

b. a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lenders; or

c. a related interest of such executive officer, director, principal shareholder, or member of the immediate family.

NOTE: For the purposes of these three borrower restrictions, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.)

4. The borrower is not:

a. a business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as wildcatting for oil, investments in stock market and dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business; (Note: Permissible borrowers include state-designated charitable, religious, or other non-profit or eleemosynary institutions, government-owned corporations, consumer and marketing cooperatives, and faith-based organizations provided the loan is for a *business purpose* as defined above.) or

b. a business that earns more than half of its annual net revenue from lending activities; unless the business is a non-bank or non-bank holding company certified as a community development financial institution; or

c. a business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or

d. a business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of otherwise legal products that are to be used in connection with an illegal activity, such as selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business includes direct and indirect marijuana businesses, as defined in SBA Standard Operating Procedures 50 10 6; or

e. a business engaged in gambling enterprises, unless the business earns less than 33 percent of its annual net revenue from lottery sales.

f. The corporation shall not knowingly accept any enrollment applications under the Micro Lending Program if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Nor should they accept any enrollment applications under the micro lending program if the applicant/borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations in which the applicant has not been reinstated into society.

5. No principal of the borrowing entity has been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, "principal" is defined as "if a sole proprietorship, the proprietor; if a partnership, each managing partner and each partner who is a natural person and holds a 20 percent or more ownership interest in the partnership; and if a corporation, limited liability company,

association or a development company, each director, each of the five most highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity."

G. The lender must also provide to LEDC with its enrollment application, in connection with each loan to be enrolled under this Chapter, an assurance affirming:

1. The loan has not been made in order to place under the protection of the approved state Capital Access Program (CAP) prior debt that is not covered under the approved state CAP and that is or was owed by the borrower to the lender or to an affiliate of the lender.

2. The loan is not a refinancing or a loan previously made to that borrower by the lender or an affiliate of the lender.

3. No principal of the lender has been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as if a sole proprietorship, the proprietor; if a partnership, each partner; if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity.

4. The corporation shall not knowingly accept any enrollment applications under the Micro Lending Program if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Nor should they accept enrollment applications under the Micro Lending Program if the applicant/borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations in which the applicant has not been reinstated into society.

5. The borrower business structure is a for-profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above or other entity which is registered and authorized to conduct business in the state of Louisiana that maintain an office in Louisiana. The borrower business structure is a sole proprietor qualified to do business in Louisiana that maintains an office in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1922 (July 2022).

§7607. Eligibility/ Ineligibility for Participation in This Program

A. This Program is for loans (including lines of credit) for an eligible business purpose, having a principal amount of \$500,000 or less, to eligible borrowers doing business in Louisiana having 100 employees or less at the time the loan is enrolled in this program. An *eligible business purpose* includes but is not limited to: start-up costs; working capital; business procurement; franchise fees; and acquisition of

equipment, inventory, or services used in the production, manufacturing, or delivery of a business's goods or services, or the purchase, construction, renovation, or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of *eligible business purpose* excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership for investment or leasing; the purchase of securities; and lobbying activities as defined in Section 3 (7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

B. The loan should be a new extension of credit to the borrower, and shall not be used to support existing extensions of credit, including but not limited to prior loans, lines of credit, or other borrowings that were previously made available as a part of a state small business credit enhancement program; no portion of the loan shall be used for any guaranteed or unguaranteed portion of a Small Business Administration (SBA) guaranteed loan or any other federal loan without prior written consent of the treasury; and SBA guaranteed loans shall NOT be purchased through this program.

C. In connection with the business purpose for the requested loan the applicant/borrower(s) shall create or retain in this State at least one new permanent full-time jobs.

D. In addition to the eligibility and ineligibility provisions provided in the Section, the applicant/borrowers loans and lines of credit in connection with this Chapter shall meet the following criteria:

1. the applicant/borrower(s) shall employ 100 employees or less at the time the loan is enrolled in this Program. The borrower business structure is a for-profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above or other entity which is registered and authorized to conduct business in the state of Louisiana that maintain an office in Louisiana.

2. the borrower business structure is a sole proprietor qualified to do business in Louisiana that maintains an office in Louisiana. Small and emerging businesses (SEBs) certified by LED's small business services that maintain an office in Louisiana.

3. small and emerging businesses (SEBs) certified by LED's Small Business Services that maintain an office in Louisiana.

4. small businesses owned by socially and economically disadvantaged individuals (SEDI) that meet the SEDI definition above;

5. small business concerns as defined above for size purposes.

E. The small business is domiciled in Louisiana with preference given to socially and economically disadvantaged individuals as defined herein this Chapter.

F. Funding request for all but the following may be considered:

1. Restaurants having been in business less than two years, except for regional or national franchises;

2. bars, saloons, daiquiri shops, operations for the sale of alcoholic popsicles and other alcoholic food items, packaged liquor stores, including any other business or project

established for the principal purpose of dispensing, packaging, or distributing alcoholic beverages;

3. any establishment which has gaming or gambling as its principal business;

4. any establishment which has consumer or commercial financing as its business;

5. funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation;

6. direct or indirect activities related to cryptocurrency;

7. any business engaged in pyramid sales;

8. any business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of products that are to be used in connection with any illegal activity, such as but not limited to selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business includes direct and indirect marijuana businesses, as defined by SBA Standard Operating Procedures 50 10 6;

9. funding for the principal purpose of refinancing existing debt; a refinancing of a loan previously made to the borrower by the Lender or an affiliate of the lender; or a loan made in order to place under the micro lending program prior debt that is not covered under this program and that is or was owed by the borrower to the Lender or to an affiliate of the lender;

10. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business; for the purpose of purchasing any portion of the ownership interest of any owner of the business; or for buying out any family member or reimbursing any family member;

11. funding for the purpose of reimbursing funds owed to any owner, including any equity injection or injection of capital for the business's continuance;

12. funding for paying any person to influence or attempt to influence any agency, elected official, officer or employee of a state or local Government in connection with lobbying activities, the making, award, extension, continuation, renewal, amendment, or modification of any State or Local Government contract, grant, loan or cooperative agreement as such terms are defined in 31 U.S.C. §1352;

13. funding for paying any costs incurred in connection with:

a. any defense against any claim or appeal of the United States Government, any agency or instrumentality thereof (including the U.S. Department of Treasury), against the State of Louisiana; or

b. any prosecution of any claim or appeal against the United States Government, any agency or instrumentality thereof (including the U.S. Department of Treasury), which the state of Louisiana instituted or in which the state of Louisiana has joined as a claimant;

14. funding to be used to pay any delinquent federal or state income taxes, as well as any taxes held in trust or escrow, such as payroll taxes or sales taxes.

15. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business;

16. funding for the purpose of establishing a park, theme park, amusement park, or camping facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1923 (July 2022).

§7609. General Loan Provisions

A. Those CDFIs, and other qualifying lenders, participating in the Micro Lending Program shall be guided by the following general principles in making loans.

1. The lender shall not knowingly approve any loans if the applicant has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness including state or federal taxes, or bankruptcy proceeding; nor shall the lender approve any loan if the applicant has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit.

2. The terms or conditions imposed and made part of any enrolled loan authorized by vote of the corporation board shall not be amended or altered by any member of the board or employee of the Department of Economic Development except by subsequent vote of approval to accept the changes of said enrolled loan by the board, its board screening committee or other designated committees at the next meeting of the board or committee in an open session with full explanation for such action.

B. Loan amounts under this program are intended to be smaller in size and may range from \$1,000 to \$100,000.

C. Interest Rates

1. On all loans or lines of credits under this chapter, at the time of obligation, the interest rate is to be negotiated between the lender and borrower, but shall not exceed the National Credit Union Administration's (NCUA) interest rate ceiling for loans made by federal credit unions as described in 12 U.S.C. §1757(A)(vi)(I) and set by the NCUA board. Further, on all loans or lines of credits, the interest rate shall not exceed the lesser interest rate of either; the National Credit Union Administration (NCUA) interest rate ceiling, that established by the Federal Credit Union Act (FCUA), that established by the Office of the Comptroller of the Currency (OCC), or applicable state legislation that may be enacted.

D. Borrower's Collateral

1. The value of the borrower's collateral shall be determined according to the lender's normal lending criteria and policy. Loans greater than \$50,000 shall require collateral.

2. Collateral position shall be negotiated but will be no less than a sole second position.

3. Unacceptable collateral includes:

a. stock in applicant company and/or related companies;

b. personal residence

E. Equity

1. Equity requirements shall be determined according to the lenders normal loan criteria and policy.

F. Terms

1. Terms may be negotiated with the lender but in no case shall the terms exceed five years.

G. LEDC Fees

1. LEDC may charge a \$100 application fee, unless the Board, the Board Screening Committee, other designated committee, or LEDC staff waives the application fee.

2. LEDC will waive the application fee for SEDI, SEB and VSB business types.

3. LEDC may charge a program fee up to \$500 for loans less than \$25,000 or may charge a program fee up to 2 percent for loans greater than \$25,000.6

H. Use of Funds

1. Purchase of fixed assets, including buildings that will be occupied by the applicant to the extent of at least 51 percent.

2. Purchase of equipment, machinery, or inventory.

3. Line of credit for accounts receivable or inventory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1925 (July 2022).

§7611. General Agreement Provisions

A. Program Participation Agreement

1. The lender shall market the micro lending program, identify eligible borrowers for the program, originate the loan, conduct all of the customer/borrower interaction, and shall be responsible for the proper administration and monitoring of the loan (or line of credit), including monthly invoicing, collections, and loan workouts, and the proper liquidation of the collateral in the event of a default.

2. The lender shall agree to underwrite each loan (including line of credit) using its normal underwriting criteria and will perform a credit analysis of the borrower for each loan, assuming full responsibility for credit and ongoing security of the loan and will follow prudent industry loan underwriting processes and will determine that the funds to be provided under the micro lending program will be instrumental in order for the Lender to make the loan.

3. The lender shall be responsible for the preparation of all loan (including line of credit) documents to be used in connection with such loans made and accepted under this program.

4. The lender is able to set its rate according to risk but shall not exceed that stated in the treasury SSBCI guidance under this program.

5. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined. Notification of delinquency will be made to the corporation in writing and verbally in a time satisfactory to the bank and the corporation on the monthly lender loan status report.

B. Reporting

1. Reporting will be required by all participating lenders under this program as required by treasury under the SSBCI program and as required by the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1925 (July 2022).

§7613. Confidentiality

A. Confidential information in the files of the corporation and its accounts acquired in the course of duty is to be used solely for the corporation. The corporation is not obliged to give credit rating or confidential information regarding applicant. Also see Attorney General Opinion Number 82-860.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1926 (July 2022).

§7615. Conflict of Interest

A. No member of the corporation, employee thereof, or employee of the Department of Economic Development, members of their immediate families shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the corporation for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation. If any contract or agreement shall be made in violation of the provisions of this Section the same shall be null and void and no action shall be maintained thereon against the corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1926 (July 2022).

§7617. Guidelines

A. The Louisiana Economic Development Corporation (LEDC), or the Louisiana Department of Economic Development, also known as Louisiana Economic Development (LED), as the administrator of this program for LEDC, may make, create, or issue from time to time guidelines interpreting, construing, explaining and/or supplementing these rules; and may revise, supplement, or otherwise change or modify the guidelines at any time with or without notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1926 (July 2022).

Anne G. Villa
Undersecretary

2207#067

RULE

**Department of Economic Development
Office of Business Development
and
Louisiana Economic Development Corporation**

**SSBCI Loan Guaranty ARPA 2021
(LAC 19:VII.Chapter 5)**

The Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104, 36:108 and 51:2312 has adopted Rules for the Loan Guaranty Program for the State Small Business Credit Initiative (SSBCI) authorized by the American Rescue Plan Act (ARPA) of 2021, otherwise known as "SSBCI Loan Guaranty ARPA 2021". This Rule is hereby adopted on the day of promulgation.

Title 19

CORPORATION AND BUSINESS

Part VII. Louisiana Economic Development Corporation

**Subpart 1. Small Business Loan Guaranty Program
Chapter 5. SSBCI Loan Guaranty ARPA 2021
§501. Purpose**

A. The purpose of this program is to utilize federal SSBCI funds to strengthen state programs that support private financing to small businesses as a response to the economic effects of the COVID-19 pandemic, in accordance with prevailing federal guidelines issued by the U.S. Treasury.

B. The Louisiana Economic Development Corporation (LEDC) will utilize SSBCI funds from ARPA 2021 to increase access to credit and capital funding to further assist small businesses statewide, to expand loan capabilities to include a broader range of businesses statewide, to direct a greater concentration on those small businesses, and to reach, identify and promote small business growth, especially to Socially and Economically Disadvantaged Businesses (SEDI) and Small and Emerging Businesses (SEB).

C. This LEDC program and the SSBCI funding will be marketed through outreach activities to inform venture capital funds, local foundations, small businesses, trade associations, incubator associations, and economic development organizations of the program, and to generate increased small business activity, awareness of and access to additional sources of capital to start and expand existing business opportunities, as well as participation in the program. The marketing will also be used to find investment opportunities located in the underserved markets that will be targeted with SSBCI funds.

D. The LEDC will also monitor these plans, including the progress of individual businesses receiving investments and the performance of participating venture capital organizations, to ensure successful outcomes in the form of

program utilization and eventual securing of funds for these groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1926 (July 2022).

§503. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in prevailing federal guidelines issued by the U.S. Treasury, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Board—Board of Directors of Louisiana Economic Development Corporation.

Borrower—also referred to herein as the *applicant/borrower* or *customer/borrower*; the business person or entity borrowing and accepting the loaned funds from the Lender.

CDFI-Community Development Financial Institution (CDFI)—has the meaning given that term under Section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

CDFI Investment Area—areas defined by CDFI which are generally low-income, high-poverty geographies that receive neither sufficient access to capital nor support for the needs of small businesses, including minority-owned businesses. For purposes of SSBCI, Treasury has determined that the entirety of American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands constitute a CDFI Investment Area.

Corporation—Louisiana Economic Development Corporation.

Disabled Person's Business Enterprise—a small business concern which is at least 51 percent owned and controlled by a disabled person, as defined by the federal Americans with Disabilities Act of 1990.

Financial Institution—also referred to herein as a *Bank, Financial Lending Institution, Lending Institution, Commercial Lending Entity, or Lender*; includes any insured depository institution, insured credit union, or community development financial institution, as those terms are defined in Section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

Lead Lender—the bank or other lender that makes or originates the loan with the borrower.

LED—Louisiana Department of Economic Development.

LEDC—Louisiana Economic Development Corporation.

Lender—also referred to herein as the *applicant/lender*; the Financial Institution originating the loan and providing the loan funds to the borrower.

Lender Insider—an executive officer, director, or principal shareholder of the Lender, or a member of the immediate family of an executive officer, director or principal shareholder of the Lender, or a related interest of such executive officer, director, principal shareholder or member of the immediate family. For the purposes of this provision, the terms *executive officer, director, principal shareholder, immediate family, and related interest* shall

have the respective meaning ascribed thereto in Federal Reserve Act Sections 22(g) and (h), Federal Reserve Board Regulation O and applicable Office of the Comptroller of the Currency or Office of Thrift Supervision.

Loan—the temporary provision of money or funds for a business purpose, usually for a limited term and requiring the payment of interest along with the repayment of the loaned funds. As used herein, the word *loan* includes a line of credit loan guarantee, term loan guarantee and loan participation.

Loan Guaranty or Guarantee—an agreement to pay the loan of another borrower, up to any limit in the amount guaranteed as provided in the agreement, in case the original borrower defaults in or is unable to comply with his repayment obligation.

Loan Participation—an agreement to participate as a lender in a loan or to acquire from the lender a share or ownership interest in a loan. A *purchase participation* or *purchase transaction* is one in which the State purchases a portion of a loan originated by a lender; and a *companion loan, a parallel loan, or a co-lending participation* is one in which the lender originates a loan and the state originates a second loan to the same borrower. (In the latter case, the State's second loan may be subordinate or co-equal to the first loan originated by the lender.) Loan participations enable the state to act as a lender, in partnership with a financial institution lender, to provide small business loans at attractive terms.

Permanent Full-Time Jobs—refers to direct jobs which are not contract jobs, that are permanent and not temporary in nature, requiring employees to work an average of 30 or more hours per week.

Small and Emerging Business—a Louisiana business certified as a Small and Emerging Business (SEB) by the Louisiana Department of Economic Development's Small Business Services.

Small Business Concern—as defined by SBA for purposes of size eligibility as set forth by 13 C.F.R. 121.

Socially and Economically Disadvantaged Individual (SEDI) Owned Business—(for the purposes of this program)

- a. business enterprises that certify that they are owned and controlled by individuals who have had their access to credit on reasonable terms diminished as compared to others in comparable economic circumstances, due to their
 - i. membership of a group that has been subjected to racial or ethnic prejudice or cultural bias within American society;
 - ii. gender;
 - iii. veteran status;
 - iv. limited English proficiency;
 - v. physical handicap;
 - vi. long-term residence in an environment isolated from the mainstream of American society;
 - vii. membership of a federally or state-recognized Indian Tribe;
 - viii. long-term residence in a rural community;
 - ix. residence in a U.S. territory;
 - x. residence in a community undergoing economic transitions (including communities impacted by the shift towards a net-zero economy or deindustrialization);or

xi. membership of another *underserved community* as defined in U.S. Executive Order 13985;

b. business enterprises that certify that they are owned and controlled by individuals whose residences are in CDFI investment areas, as defined in prevailing federal guidelines issued by the U.S. Treasury;

c. business enterprises that certify that they will operate a location in a CDFI investment area, as defined in prevailing federal guidelines issued by the U.S. Treasury; or

4. business enterprises that are located in CDFI Investment Areas, as defined in prevailing federal guidelines issued by the U.S. Treasury.

Very Small Business—a business with fewer than 10 employees; may include independent contractors and sole proprietors

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1927 (July 2022).

§505. Application Process

A. Any applicant/borrower(s) applying for either a loan, loan guarantee, line of credit guarantee, loan guaranty or loan participation will be required first to contact a financial lending institution (a bank or other commercial lending entity) that is willing to entertain, originate, process and service such a loan or line of credit with the prospect of a guaranty or a participation, and the lender will then contact LEDC for qualification and shall submit a complete application to LEDC for review and approval. The financial institution shall also be responsible for obtaining assurances of eligibility from each borrower.

B. Businesses applying for consideration as a SEDI owned business will have to self-certify under conditions in Clauses i -iii to the extent allowed under the Louisiana Public Records Law, R.S. 44:1 et seq. Confidential information in the files of LEDC and its accounts acquired in the course of its duty will be used solely by and for LEDC.

C. Loan Purpose Requirements and Prohibitions. In addition to the application process provisions provided in the Section mentioned in the above Subsection A, in connection with each loan to be enrolled under this Chapter 3 program the financial institution lender shall also be responsible for obtaining and providing to LEDC with the lender's application an assurance from each borrower stating that the loan proceeds shall not be used for any impermissible purpose under the SSBCI program. And additionally, each financial institution lender must also obtain and provide to LEDC with its application under this Chapter 3 program an assurance from the borrower affirming:

1. the loan proceeds must be used for a business purpose. A business purpose includes, but is not limited to, start-up costs, working capital, business procurement, franchise fees, equipment, inventory, as well as the purchase, construction renovation or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of business purpose excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership, the purchase of securities; and lobbying activities as defined in

Section 3 (7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended;

2. the loan proceeds will not be used to:

a. repay a delinquent federal or state income taxes unless the borrower has a payment plan in place with the relevant taxing authority; or

b. repay taxes held in trust or escrow, e.g. payroll or sales taxes; or

c. reimburse funds owed to any owner, including any equity injection or injection of capital for the business' continuance; or

d. purchase any portion of the ownership interest of any owner of the business;

3. the borrower is not:

a. an executive officer, director, or principal shareholder of the financial institution lender; or

b. a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lenders; or

c. a related interest of an such executive officer, director, principal shareholder, or member of the immediate family;

(For the purposes of these three borrower restrictions, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.)

4. the borrower is not:

a. a business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as wildcatting for oil and dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business; or

NOTE: Permissible borrowers include state-designated charitable, religious, or other non-profit or eleemosynary institutions, government-owned corporations, consumer and marketing cooperatives, and faith-based organizations provided the loan is for a *business purpose* as defined above.

b. a business that earns more than half of its annual net revenue from lending activities; unless the business is a non-bank or non-bank holding company certified as a community development financial institution; or

c. a business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or

d. a business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of otherwise legal products that are to be used in connection with an illegal activity, such as selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business includes direct and indirect marijuana businesses, as defined in SBA Standard Operating Procedures 50 10 6; or

e. a business engaged in gambling enterprises, unless the business earns less than 33 percent of its annual net revenue from lottery sales;

5. no principal of the borrowing entity has been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as “if a sole proprietorship, the proprietor; if a partnership, each managing partner and each partner who is a natural person and holds a 20 percent or more ownership interest in the partnership; and if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity.”

D. The financial institution lender must also provide to LEDC with its application, in connection with each loan to be enrolled under this program, an assurance affirming:

1. the loan has not been made in order to place under the protection of the approved state capital access program (CAP) prior debt that is not covered under the approved state CAP and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

2. the loan is not a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender unless under the following conditions:

a. a lender may refinance a borrower’s existing loan, line of credit, extension of credit, or other debt originally made by an unaffiliated lender only if the following conditions are met:

i. the amount of the refinanced loan or other debt is at least 150 percent of the previous outstanding balance;

ii. the transaction results in a 30 percent reduction in the fee-adjusted APR contracted for the term of the new debt, to help ensure that SSBCI funding is used only for transactions that meaningfully benefit borrowers by providing access to sustainable products; and

iii. proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

b. a lender may use SSBCI funds to support a new extension of credit that repays the amount due on a matured loan or other debt that was previously used for an eligible business purpose when all the following conditions are met:

i. the amount of the new loan or other debt is at least 150 percent of the outstanding amount of the matured loan or other debt;

ii. the new credit supported with SSBCI funding is based on a new underwriting of the small business’s ability to repay the loan and new approval by the lender;

iii. the prior loan or other debt has been paid as agreed and the borrower was not in default of any financial covenants under the loan or debt for at least the previous 36 months (or since origination, if shorter); and

iv. proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

3. No principal of the financial institution lender has been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as if a

sole proprietorship, the proprietor; if a partnership, each partner; if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity.

E. The following submission and review policies shall be followed:

1. a completed Louisiana Economic Development Corporation application form must be submitted to LEDC;

2. small and emerging businesses (SEBs) applying for assistance under that provision will have to submit a copy of the certification from the Louisiana Department of Economic Development’s Small Business Services, along with the request for financial assistance;

3. businesses applying for consideration under the disabled person’s business enterprise provision shall submit adequate information to support the disabled status;

4. the applicant/lender shall submit to LEDC its complete analysis and evaluation, proposed loan structure, and commitment letter to the borrower. LEDC staff may do its own analysis and evaluation of the application, independent of the lending institution’s analysis and evaluation;

5. the applicant/lender shall submit to LEDC the same pertinent data that it submitted to the lending institution’s loan committee, whatever pertinent data the lending institution can legally supply;

6. LEDC staff will review the application and analysis, and then make recommendations. The staff will work with the applicant/lender on terms of the loan, including interest rate, maturity, collateral, other loan terms, and any LEDC loan stipulations or requirements;

7. the LEDC’s board screening committee or the board’s other designated committee will review only the completed applications submitted by LEDC staff and may approve or disapprove applications within its authority as established by the LEDC board, or will make recommendations to the LEDC board;

8. the applicant/borrower(s) or their designated representative, and the loan officer or a representative of the lending institution are not required to attend the board screening committee or other designated committee meeting unless requested by LEDC or its staff to do so;

9. the applicant/borrower(s) or their designated representative, and the loan officer or a representative of the lending institution shall be required to attend the LEDC’s board of directors meeting wherein the application will be considered by the board;

10. LEDC’s board of directors, the board screening committee, or the board’s other designated committee that has considered the application within its authority has the final approval authority for such applications.

11. the applicant/borrower or the lending institution will be notified within five business days by mail or e-mail of the outcome of the application process;

12. an LEDC commitment letter, including LEDC’s terms, and any stipulations or requirements, will be mailed or e-mailed by LEDC staff to the lending institution within five business days of approval by the LEDC Board or its committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1928 (July 2022).

§507. Eligibility/Ineligibility for Participation in This Program

A. Funding requests for any business purpose may be considered, however, the following businesses and purposes shall be considered.

1. Eligible:

a. small business concerns authorized to do and doing business in Louisiana, that maintain an office in Louisiana; small business concerns organized as a sole proprietorship qualified to do and doing business in Louisiana, or either a for profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above, or other entity which is registered and authorized to conduct business in the State of Louisiana that maintain an office in Louisiana

b. certified small and emerging businesses (SEBs) certified by LED's small business services that maintain an office in Louisiana ;

c. disabled person's business enterprises authorized to do and doing business in Louisiana, that maintain an office in Louisiana.

2. Ineligible:

a. restaurants (except for regional or national franchises),including grills, cafes, fast food operations, motorized vehicle, trailer, curb-side, sidewalk or street vender food operations, and any other business or project established for the principal purpose of dispensing cooked food for consumption on or off the premises having been in operations less than two years;

b. bars, saloons, daiquiri shops, operations for the sale of alcoholic popsicles and other alcoholic food items, packaged liquor stores, including any other business or project established for the principal purpose of dispensing, packaging, or distributing alcoholic beverages;

c. any business or establishment which has gaming or gambling as its principal business;

d. any business or establishment which has consumer or commercial financing as its business;

e. funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation, rental, or any other passive real estate investment purposes;

f. funding for the principal purpose of refinancing existing debt unless under the following conditions:

i. a lender may refinance a borrower's existing loan, line of credit, extension of credit, or other debt originally made by an unaffiliated lender only if the following conditions are met:

(a). the amount of the refinanced loan or other debt is at least 150 percent of the previous outstanding balance;

(b). the transaction results in a 30 percent reduction in the fee-adjusted APR contracted for the term of the new debt, to help ensure that funding is used only for transactions that meaningfully benefit borrowers by providing access to sustainable products; and

(c). proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

ii. a lender may use funds to support a new extension of credit that repays the amount due on a matured loan or other debt that was previously used for an eligible business purpose when all the following conditions are met:

(a). the amount of the new loan or other debt is at least 150 percent of the outstanding amount of the matured loan or other debt;

(b). the new credit supported with funding is based on a new underwriting of the small business's ability to repay the loan and new approval by the lender;

(c). the prior loan or other debt has been paid as agreed and the borrower was not in default of any financial covenants under the loan or debt for at least the previous 36 months (or since origination, if shorter); and

(d). proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

g. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business;

h. funding for the purpose of establishing a park, theme park, amusement park, or camping facility;

i. funding for the purpose of buying out any family member or reimbursing any family member;

j. funding for the purpose of pyramid sales;

k. funding activities related either directly or indirectly to cryptocurrency.

B. In addition to the eligibility and ineligibility provisions above, applicant/borrowers lines of credit guarantees and loan guarantees in connection with this program shall meet the following criteria.

1. The applicant/borrower(s) shall employ 500 employees or less at the time the loan is enrolled in this program;

2. This credit support shall not be extended to applicant/borrower(s) that have more than 750 employees;

3. Any loan supported in this Program shall not exceed a principal amount of \$ 5,000,000;

4. Any credit extended through this Program shall not exceed a principal amount of \$ 20,000,000;

5. SSBCI funds utilized in this Chapter 3 Program will be permitted only for new extensions of credit; that is, funds of the SSBCI Program shall not be used to support existing extensions of credit, including but not limited to prior loans, lines of credit or other borrowing, that were previously made available as part of a state small business credit enhancement program unless under the following conditions:

a. a lender may refinance a borrower's existing loan, line of credit, extension of credit, or other debt originally made by an unaffiliated lender only if the following conditions are met:

i. the amount of the refinanced loan or other debt is at least 150 percent of the previous outstanding balance;

ii. the transaction results in a 30 percent reduction in the fee-adjusted APR contracted for the term of the new debt, to help ensure that SSBCI funding is used only for transactions that meaningfully benefit borrowers by providing access to sustainable products; and

iii. proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

b. a lender may use SSBCI funds to support a new extension of credit that repays the amount due on a matured loan or other debt that was previously used for an eligible business purpose when all the following conditions are met:

i. the amount of the new loan or other debt is at least 150 percent of the outstanding amount of the matured loan or other debt;

ii. the new credit supported with SSBCI funding is based on a new underwriting of the small business's ability to repay the loan and new approval by the lender;

iii. the prior loan or other debt has been paid as agreed and the borrower was not in default of any financial covenants under the loan or debt for at least the previous 36 months (or since origination, if shorter); and

iv. proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

6. Small Business Administration (SBA) guaranteed loans shall not be purchased in loan participations through this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1930 (July 2022).

§509. General Loan Guaranty and Participation Provisions

A. The Louisiana Economic Development Corporation will be guided by the following general principles in approving loan guaranties, line of credit guaranties, or loan participations.

1. The corporation shall confirm that the financial institution lender has sufficient commercial lending experience and financial and managerial capacity to participate in this program. The corporation may utilize, among other resources, the financial institution's most recent call report showing the percentage of commercial loans in its portfolio.

2. The corporation shall not knowingly approve any loan guarantee, line of credit guarantee, or loan participation if the applicant/borrower has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness, state or federal taxes, or a bankruptcy proceeding; nor shall the corporation approve any loan, line of credit, loan guarantee or participation if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Further, the corporation shall not approve any loan guarantee, line of credit guarantee, or participation if the applicant/ borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations.

3. The terms or conditions imposed and made part of any loan guarantee, line of credit guarantee, or loan participation authorized by vote of the corporation board, its board screening committee or its other designated committee shall not be amended or altered by any member of the board or employee of the Department of Economic Development

except by subsequent vote of approval by the board, its board screening committee or other designated committee at the next meeting of the board or committee in open session with full explanation for such action.

4. Each financial institution lender shall be required to have a meaningful amount of its own capital resources at risk in each small business loan included in this program. Such lenders shall bear at least 20 percent or more of the loss from a small business loan default.

5. The corporation shall not subordinate its position to other creditors.

B. Interest Rates

1. On all loans or lines of credit guaranties, the interest rate is for each individual loan, at the time of obligation, may not exceed the National Credit Union Administration's (NCUA) interest rate ceiling for loans made by federal credit unions as described in 12 U.S.C. § 1757(A)(vi)(I) and set by the NCUA board. . Further, on all loan or line of credit guaranties, the interest rate is to be negotiated between the borrower and the lender, but shall not exceed the lesser interest rate of either; the National Credit Union Administration's (NCUA) interest rate ceiling, that established by the Federal Credit Union Act (FCUA), that established by the Office of Comptroller of the Currency (OCC), or applicable State legislation that may be enacted.

C. Equity Requirements

1. The borrower must infuse not less than 15 percent into the equity in an existing or expanding business, or for a start-up operation or acquisition loan request.

D. Limit on the Amount of LEDC's Guaranty

1. The corporation's loan guaranty shall be no greater than 80 percent of a loan not to exceed a guaranty amount of \$1,500,000.

E. Terms

1. All of the provisions contained in §109.F.1.a. - c. of Chapter 1 of the Small Business Loan Guaranty Program, with regard to term periods of various types of loan guaranties, shall also apply to this Chapter 3 Program.

F. LEDC Program Fees

1. LEDC will charge a guaranty fee not to exceed a maximum amount of 2 percent of the guaranteed loan amount, except that:

a. the guaranty program fee will be automatically waived for SEDI and SEB small business types; or

b. unless the board, the board screening committee or other designated committee waives the guaranty program fee.

2. LEDC will charge no application fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1931 (July 2022).

§511. General Guaranty Agreement Provisions

A. Guaranty Agreement

1. The lending institution shall conduct all of the customer/borrower interaction, and shall be responsible for the proper administration and monitoring of the loan or line of credit, including monthly invoicing, collections, and loan workouts, and the proper liquidation of the collateral in the event of a default.

2. The loan or line of credit shall not be sold, assigned, participated out, or otherwise transferred without the prior written consent of the LEDC board.

3. If liquidation through foreclosure occurs, the lender will sell the collateral, handle the legal proceedings, and absorb all expenses associated with these activities.

4. There will be a reduction of the guarantee:

a. in proportion to the principal reduction of the amortized portion of the loan or line of credit;

b. if no principal reduction has occurred in any annual period of the loan or line of credit, a reduction in the guarantee amount will be made proportional to the remaining guarantee life.

5. The guarantee will cover the unpaid principal amount owed only.

6. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined in the guarantee agreement. Notification of delinquency will be made to the corporation in writing by submitting a completed, signed and dated SBLGP banker loan status monthly report within five business days after the end of the month/reporting period as stated in the guaranty agreement.

B. Loan Participation Agreement

1. The lending institution shall conduct all of the customer/borrower interaction, and shall be responsible for the proper administration and monitoring of the loan, including monthly invoicing, collections, and loan workouts, and the proper liquidation of the collateral in the event of a default.

2. The lead lender will hold no less participation in the loan than that equal to LEDC's, but not to exceed its legal lending limit.

3. The lead lender may sell other participations with LEDC's consent.

4. Should liquidation through foreclosure occur, the lender will sell the collateral and handle the legal proceedings and absorb all expenses associated with these activities.

5. The lender is able to set its rate according to risk, and may blend its rate with the LEDC rate to yield a lower overall rate to a project.

6. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined in the participation agreement. Notification of delinquency will be made to the corporation in writing by submitting a completed, signed and dated SBLGP banker loan status monthly report within five business days after the end of the month/reporting period, as stated in the loan participation agreement.

C. Borrower Agreement

1. At the discretion of LEDC, the borrower will agree to strengthen management skills by participation in a form of continuing education acceptable to LEDC.

2. The borrower shall provide initial proof as well as an annual report of job creation, including the number of jobs, job titles and salaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1931 (July 2022).

§513. Confidentiality

A. Confidential information in the files of the corporation and its accounts acquired in the course of its duty is to be used solely for the corporation. The corporation is not obliged to give out any credit rating or confidential information regarding the applicant/borrower. (See Louisiana Attorney General's Opinion #82-860.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1932 (July 2022).

§515. Conflict of Interest

A. No member of the corporation, employee thereof, or employee of the Department of Economic Development, or members of their immediate families shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the corporation for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation. If any contract or agreement shall be made in violation of the provisions of this Section, the same shall be null and void, and no action shall be maintained thereon against the corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1932 (July 2022).

§517. Guidelines

A. The Louisiana Economic Development Corporation (LEDC), or the Louisiana Department of Economic Development, also known as Louisiana Economic Development (LED), as the administrator of this program for LEDC, may make, create, or issue from time to time guidelines interpreting, construing, explaining and/or supplementing these rules; and may revise, supplement, or otherwise change or modify the guidelines at any time with or without notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:1932 (July 2022).

Anne G. Villa
Undersecretary

2207#066

Notices of Intent

NOTICE OF INTENT

Department of State Civil Service Civil Service Commission

Election of Employee Member of the
State Civil Service Commission
(LAC 40:XXVII.101)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to directive of the State Civil Service Commission at its June 8, 2022 meeting, notice is hereby given that the Department of State Civil Service, on behalf of the State Civil Service Commission, intends to amend LAC 40:XXVII.101 to allow ballots for election of the classified employee member of the State Civil Service Commission to be transmitted to qualified classified employee voters via their official state email address rather than via U.S. Mail. Employees who opt out of receiving this information via email or who are not assigned/do not have access to email will receive their ballot and instructions via U.S. Mail as currently provided for in the Rule.

The current rule requires that the State Civil Service director or designated representative examine each potential candidate's nominating petition upon receipt and that the potential candidate be notified via U.S. mail within 24 hours of receipt of the petition of their eligibility or ineligibility for candidacy. The proposed rule change allows notification of eligibility/ineligibility via U.S. mail or email by close of business on the first business day following receipt of the petition.

Other proposed rule changes are technical in nature to ensure consistency in terminology.

Title 40

LABOR AND EMPLOYMENT

Part. XXVII. Civil Service Commission

Chapter 1. Public Officials and Employees

§101. Election of Employee Member of the State Civil Service Commission

A. - A.1. ...

2. The classified employee eligible to fill an unexpired term will take office after notification of a vacancy by the director of State Civil Service to the Secretary of State and upon certification by the Secretary of State, who shall certify in accordance with law. That employee will serve until a new regular election is conducted to elect a successor.

B. - B.1. ...

C. Nominations

1. Candidates for election to the office of Classified Employee Member of the State Civil Service Commission must include on the nomination petition their name as it is to appear on the ballot, their position classification (job), the department, agency, board or commission at which employed, their home address, their work email address and their Social Security number or any other personal identification number designated by the director of State Civil Service.

2. The nominating petition shall include the signature, printed name, Social Security number or any other personal identification number designated by the director of State Civil Service, and the department, agency, board or commission of each employee signing the petition.

3. The director of State Civil Service, or his designated representative, shall examine the nominating petition of each candidate on receipt, determine whether the person nominated is eligible or ineligible and that the petition is valid or invalid, and so notify the candidate of his decision by close of business on the first business day following receipt by mailing such notification to the candidate's home address or by emailing it to the work email address provided in the nomination petition.

C.4. - D.1. ...

2. Election brochures shall contain ballot instructions for voting, information about each candidate whose name appears on the ballot, in alphabetical order of their last name, and the final date for voting.

3. ...

4. Ballots and election brochures shall be emailed to every employee who is qualified to vote using the employee's official work email address as maintained by the employing agency or, for employees without a work email address or who have expressed a preference to vote via U.S. Mail, mailed to the last mailing address reported by the appointing authority to State Civil Service.

5. The director of State Civil Service shall supervise and be responsible for the election to ensure that it is conducted in accordance with the requirements of R.S. 42:1351 through 1360.

6. Voting may be conducted electronically or by U.S. mail. Electronic means shall be via telephone, via Internet or by any other acceptable electronic means.

7. ...

8. The director of State Civil Service may contract with a vendor to conduct the election under the director's supervision.

E. Report of Results

1. The director of State Civil Service shall provide a written report of certified election results to the State Civil Service Commission and the Secretary of State.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1357(B).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Civil Service Commission, LR 24:2077 (November 1998), amended LR 30:2444 (November 2004), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law related to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Poverty Impact Statement

In accordance with Section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:978.5, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have any adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail or hand delivery until 4:30 p.m. on August 10,

2022, to Sherri Gregoire, General Counsel, Department of State Civil Service. Comments may be mailed to P. O. Box 94111, Capitol Station, Baton Rouge, LA 70804-9111 or hand delivered to Suite 3-280, 1201 North Third St., Baton Rouge, LA 70802. Public comments must be dated and include the original signature of the person submitting the comments.

Byron P. Decoteau, Jr.
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Election of Employee Member of the State Civil Service Commission

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change allows ballots for election of the classified member of the State Civil Service Commission to be transmitted to qualified classified employee voters via their official state email address rather than via U.S. Mail. Employees who opt out of receiving this information via email or who are not assigned/do not have access to email will receive their ballot and instructions via U.S. Mail as currently provided for in the Rule.

The Department of State Civil Service will save the costs of printing and costs of mailing ballots in the U.S. Mail for the election of the classified employee member of the State Civil Service Commission for each permanent, classified employee who is (i) qualified to vote, (ii) who is able to receive a ballot via email to their work email address, and (iii) does not express a preference to receive a ballot in the U.S. Mail. Current estimated election costs for printing and mailing ballots for the primary election approximate \$16,473 for printing ballots using State Printing, \$16,416 for mailing ballots to all qualified voters at the bulk mail rate and \$5,000 for postage for returned ballots. Costs are estimated to double if a run-off election is required. Since the option to use email instead of U.S. Mail will be new with this proposed rule, it is uncertain how much savings can be realized; however, the agency anticipates that the majority of the approximately 38,000 qualified voters have email access and will not request to receive a ballot via U.S. Mail. On a primary election alone, if ballots can be electronically distributed to 75% of qualified voters, costs can be reduced by approximately \$28,417.

There will be no fiscal impact on local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections of state or local governmental units is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

No costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups is anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.

Byron P. Decoteau, Jr.
Director
2207#015

Alan M. Boxberger
Deputy Interim Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 135—Health and Safety (LAC 28:CLVII.303)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLVII in *Bulletin 135—Health and Safety*. The revisions align policy with the requirements in Louisiana Revised Statute 17:170.4 as amended by Act 196 of the 2018 Regular Legislative Session requiring that certain information regarding student exemptions be included with information disseminated by schools related to meningococcal disease and the available vaccination.

Title 28

EDUCATION

Part CLVII. Bulletin 135—Health and Safety

Chapter 3. Health

§303. Immunizations

A. - F. ...

G. Meningococcal Disease; Information; Immunization

1. LEAs that provide information relative to immunizations are required to provide parents and/or guardians with information relative to the risks associated with meningococcal disease. The information shall include the availability, effectiveness and known contraindications of immunization against this disease, causes and symptoms of the disease, how the disease is spread, and places where a student may be immunized and where parents may obtain additional information. Information shall be updated annually if new information is available. The information shall also include notice that the student may be exempt from compliance with this Subsection under the conditions set forth in Paragraph 5 of this Subsection.

G.2. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:35 (January 2019), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Bulletin 135—Health and Safety

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will not have an effect on costs or savings to state governmental units. Local school districts may need to adjust the information disseminated about meningococcal disease and the available vaccination. Any costs associated with this are indeterminable and expected to be negligible. The revisions align policy with statutory requirements regarding information that must be included when disseminating information about meningococcal disease and the available vaccination.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2207#051

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning Center
Licensing Regulations (LAC 28:CLXI.1903)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI: in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. The proposed revisions clarify for child care providers the allowance and requirements for minimum usable indoor space per child. Revisions ensure the health and safety of children by requiring the center request and receive approval from the Louisiana Department of Education licensing division and the Office of State Fire Marshal when a minimum of 25 square feet of usable space per child is allocated in spaces specified for use by children four years old and above.

**Title 28
EDUCATION**

**Part CLXI. Bulletin 137—Louisiana Early Learning
Center Licensing Regulations**

§1903. Physical Environment

A. - C. ...

D. Indoor Space

1. A minimum of 35 square feet of usable indoor space shall be available per child.

a. Effective June 1, 2022, a center may request approval from the Office of State Fire Marshal and the LDE, that for children ages 4 and above, a minimum of 25 square feet of usable indoor space shall be available per child in the specified space for 4 year old and above use only.

b. The space shall not include toilet facilities, hallways, lofts, storage spaces, stairways, lockers, offices, storage or food preparation areas, rooms used exclusively for dining or sleeping, or rooms used exclusively for the care of ill children.

D.2. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:637 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, effective March 1, 2018, LR 47:1278 (September 2021), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 137—Louisiana Early Learning Center Licensing Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There may be increased workload for the Office of the State Fire Marshal to process applications for increased occupancy; however, this work is considered to have a “minimal scope of work” and no material cost increase is expected. The total increase in workload will depend on the number of child care centers applying for increased occupancy.

The proposed revisions clarify for child care providers the allowance and requirements for minimum usable indoor space per child. Revisions ensure the health and safety of children by requiring the center to request and receive approval from the Louisiana Department of Education licensing division and the Office of State Fire Marshal when a minimum of 25 square feet of usable space per child is allocated in spaces specified for use by children four years old and above.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions may result in increased self-generated revenue for the Office of the State Fire Marshal.

Requests for approval of an occupancy increase will require a \$20 fee, as the work is considered “minimal in scope”. The total number of requests, and therefore the total revenue increase, is indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions may benefit some child care centers who will be able to serve more children due to the decreased useable indoor space requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2207#050

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs (LAC 28:CLXV.902 and 903)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXV, *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The proposed revisions repeal and reestablish existing policy to provide reorganization that clarifies and aligns early childhood tracks for early learning centers and family child care providers participating in LA Pathways, and updates definitions. Further, the revisions provide a Family Child Care Staff Track for home-based, family child care providers who opt into Academic Approval and participate in the unified quality rating system and related initiatives. This track will provide the requirements for each level associated with the School Readiness Tax Credits for family child care staff and would incentivize provider participation in the quality rating system, as the tax credits currently incentivize Type III providers. The revision will also ensure that family child care staff and early learning center staff requirements are aligned across all tax credit levels and meet requirements for the purpose of the School Readiness Tax Credit for directors and staff.

Title 28 EDUCATION

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

§902. Definitions

* * *

Classroom Track for LA Pathways—professional career ladder registry designed for classroom staff within early learning centers that recognizes individuals based on the educational attainment and commitment to the field.

* * *

Family Child Care Staff Track for LA Pathways—professional career ladder registry designed for family child care providers that recognizes individuals based on the educational attainment and commitment to the field.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, amended LR 43:1281 (July 2017), LR 48:1008 (April 2022), LR 48:

§903. Participation in LA Pathways

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 43:1281 (July 2017), LR 44:262 (February 2018), repealed LR 48:

§903. Participation in LA Pathways

A. An individual working or planning to work in the child care facility industry as a director of a child care facility is eligible to enroll in LA pathways upon successful submission of an application and the required documents to LA pathways.

B. An individual working or planning to work in the child care facility industry as a staff member of a child care facility is eligible to enroll in LA pathways upon successful submission of an application and the required documents to LA Pathways.

C. LA pathways will register child care facility directors and staff according to requirements based on training and education, experience, and professional activities, as approved by the LDE. Participation is voluntary.

D. The state superintendent of education, pursuant to authority delegated by BESE, may waive compliance with a requirement in this Chapter when the superintendent determines that the economic or adverse impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and children are not imperiled. When the individual has been determined to have met or exceeded the intent of a requirement, the requirement may be deemed met. The decision to grant or deny a waiver rests with the sole discretion of the state superintendent.

E. Training, education, experience, and professional activity requirements for the Administrator Track for LA Pathways through December 31, 2017:

1. Assistant Director I—annual training as required by early learning center licensing regulations in LAC 28:CLXV.139; no experience required; and encouraged to participate in an early childhood professional organization.

2. Assistant Director II—60 clock hours in approved core knowledge CDA subject areas including 6 hours in regulations; minimum of six months experience; and encouraged to participate in an early childhood professional organization.

3. Assistant Director III—90 clock hours in approved core knowledge CDA subject areas including 15 hours in approved administrative training categories; minimum of one year experience; and encouraged to participate in an early childhood professional organization.

3. Director—training and experience as required by early learning center licensing regulations in LAC 28:CLXV.139; and encouraged to participate in an early childhood professional organization.

4. Director I—CDA credential or approved early childhood diploma; and 30 clock hours in approved administrative training categories, related associate degree, or 30 hours toward associate degree with four college

courses in early childhood/child development; minimum one year of experience; and membership in an early childhood professional organization.

5. Director II—CDA credential or approved early childhood diploma; and 45 clock hours in approved administrative training categories/national administrative credential, associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, or related bachelor's degree with three college courses in early childhood/child development; minimum 18 months experience; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

6. Director III—administrator certificate; and CDA credential or approved early childhood diplomas, associate degree in early childhood/child development, bachelor's degree in early childhood/child development of which three courses focus on infants and toddlers, or related bachelor's degree with six college courses in early childhood/child development of which three courses focus on infants and toddlers; minimum two years of experience, and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

7. Director IV—administrator certificate; and master's degree in early childhood/child development or early childhood administration of which three courses focus on infants and toddlers, or related master's degree with eight college courses in early childhood/child development of which three courses focus on infants and toddlers; minimum of two years of experience; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

8. In order to receive an administrator certificate, 75 clock hours of instruction in approved administrative training categories are required. Two college courses in approved administration can be substituted for the administrator certificate.

F. Training, education, and professional activity requirements for the Administrator Track for LA Pathways beginning January 1, 2018:

1. Director 1—CDA credential, early childhood ancillary certificate, or approved early childhood diploma; and 30 clock hours in approved administrative training categories, related associated degree, or 30 hours in early childhood or child development; and membership in an early childhood professional organization.

2. Director II—CDA credential, early childhood ancillary certificate, or approved early childhood diploma; and 45 clock hours in approved administrative training categories/national administrative training categories/national administrative credential, associate degree in early childhood/child development, related associate degree with four college courses in early

childhood/child development, related bachelor's degree with three college courses in early childhood/child development, or meets other director qualifications in LAX 28:CLXV.130 and has been a director for at least one year at an early learning center with a 3-star quality rating on July 1 of the calendar year in which credit may be claimed; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

3. Director III—CDA credential and administrator certificate, early childhood ancillary certification or approved early childhood diplomas and administrator certificate, associate degree in child development/early childhood and administrator certificate, bachelor's degree in early childhood/child development and administrator certificate, related bachelor's degree with six college courses in early childhood or child development and administrator certificate, or meets director qualifications in LAC 28:CLXV.139 and has been a director for at least one year of an early learning center with a 4-star rating on July 1 of the calendar year in which the credit may be claimed; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

4. Director IV—master's degree in early childhood/child development/early childhood administration and administrator certificate, or related master's degree with eight college courses in early childhood/child development and administrator certificate, or meets director qualification in LAC 28:CLXV.139 and has been the director for at least one year at an early learning center with a 5-star rating on July 1 of the calendar year in which the credit may be claimed; and membership in an early childhood professional organization and service to the profession such as serving on a board or committee, presenting at a conference, participating as a CDA advisory/mentor, or attendance at a conference or professional event.

G. Training, education, experience, and professional activity requirements for the Early Learning Center Classroom Track for LA Pathways through December 31, 2017:

1. Staff I—as required by early learning center licensing regulations in LAC 28:CLXV.139; no experience required; and encouraged to participate in an early childhood professional organization.

2. Staff II—12 clock hours of instruction in approved core knowledge CDA subject areas; minimum six months of experience; and encouraged to participate in early childhood professional organization.

3. Staff III—30 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year of experience; and encouraged to participate in early childhood professional organization.

4. Staff IV—60 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year experience; and encouraged to participate in early childhood professional organization.

5. Assistant Teacher I—90 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year of experience; and encouraged to participate in early childhood professional organization.

6. Assistant Teacher II—120 clock hours of instruction in approved core knowledge CDA subject areas; minimum one year of experience; and encouraged to participate in early childhood professional organization.

7. Teacher I—CDA credential or approved early childhood diploma; minimum one year of experience; and encouraged to participate in early childhood professional organization.

8. Teacher II—CDA credential or approved early childhood diploma; and nine CEUs or two early childhood college courses, 30 hours toward associate degree with four college courses in early childhood/child development, or related associate degree; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

9. Teacher III—associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, bachelor's degree in early childhood or child development, or related bachelor's degree with three college courses in early childhood/child development; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

10. Teacher IV—bachelor's degree in early childhood/child development of which three college courses focus on infants and toddlers, or related bachelor's degree with six early childhood/child development college courses of which three focus on infants and toddlers; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

11. Master Teacher—graduate degree in early childhood/child development, or unrelated graduate degree with four early childhood/child development college courses; minimum two years of experience; and membership in an early childhood professional organization and service to the profession such as committee or board membership, service as a CDA advisory or mentor, attendance at a professional conference or event, conference presentation, or advocacy and leadership activities.

H. Training and education requirements for the Early Learning Center Classroom Track for LA Pathways beginning January 1, 2018 through December 31, 2018:

1. Assistant Teacher—80 clock hours of instruction in approved core knowledge CDA subject areas.

2. Teacher I—CDA credential or approved early childhood diploma.

3. Teacher II—CDA credential, approved early childhood diploma and nine CEUs or two early childhood college courses, 30 hours toward associate degree with four college courses in early childhood/child development, related associate degree, or Early Childhood Ancillary Certificate.

4. Teacher III—associate degree in early childhood/child development; or related associate degree with four college courses in early childhood/child development; or bachelor's degree in early childhood/child development; or related bachelor's degree with three college courses in early childhood/child development; or classified as early learning center teacher I or above by LA Pathways as of December 31, 2017, with demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2017.

5. Teacher IV—bachelor's degree in early childhood/child development of which three college courses focus on infants and toddlers; or related bachelor's degree with six early childhood/child development college courses of which three focus on infants and toddlers; or classified as early learning center teacher I or above by LA Pathways as of December 31, 2016, with demonstrated evidence of eligibility for the staff school readiness tax credit in 2017.

6. Master Teacher—graduate degree in early childhood/child development; or unrelated graduate degree with four early childhood/child development college courses.

I. Training and education requirements for the Early Learning Center Classroom Track for LA Pathways beginning January 1, 2019:

1. Assistant Teacher—80 clock hours of instruction in approved core knowledge CDA subject areas.

2. Teacher I—CDA credential or approved early childhood diploma.

3. Teacher II—CDA credential or approved early childhood diploma and nine CEUs or two early childhood courses; or 30 hours toward associate degree with four college courses in early childhood/child development; or related associate degree; or Early Childhood Ancillary Certificate.

4. Teacher III—associate degree in early childhood/child development; or related associated degree with four college courses in early childhood/child development; or bachelor's degree in early childhood/child development; or related bachelor's degree with three college courses in early childhood/child development; or early childhood ancillary certificate with demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2017.

5. Teacher IV—bachelor's degree in early childhood/child development of which three college courses focus on infants and toddlers; or related bachelor's degree with six early childhood/child development college courses of which three focus on infants and toddlers; or early childhood ancillary certificate with demonstrated evidence of eligibility for the staff school readiness tax credit for at least two prior years beginning with 2017.

6. Master Teacher—graduate degree in early childhood/child development; or unrelated graduate degree with four early childhood or child development college courses.

J. In order to maintain eligibility for the family child care staff track, family care providers must be registered, have current certification for CCAP issued by LDE in compliance with this Part, and participate full-time in CCAP.

K. Training and education requirements for the Family Child Care staff track beginning July 1, 2022:

1. Staff—80 clock hours of instruction in approved core knowledge CDA subject areas.

2. Teacher I—maintain academic approval for 6 months in the tax year; and CDA or approved early childhood diploma, or CCAP certification as a family child care provider for at least one year within the three years prior to the current tax year, which can only be used for a period not to exceed two years.

3. Teacher II—maintain academic approval for 6 months in the tax year; and CDA or approved early childhood diploma and nine CEUs or two early childhood college courses, or 30 hours towards associate degree with four college courses in early childhood/child development, or related associate degree, or early childhood ancillary certificate, or certificate of academic approval of a 3-star quality rated family care program for at least one year on July 1 of the calendar year in which the credit may be claimed.

4. Teacher III—maintain academic approval for 6 months in the tax year; and either of an associate degree in early childhood/child development, related associate degree with four college courses in early childhood/child development, bachelor's degree in early child/child development, related bachelor's degree with three college courses in early childhood/child development, early childhood ancillary certificate and eligibility for staff school readiness tax credit for at least one prior year, or certificate of academic approval of a 4-star quality rated family child care program for at least one year on July 1 of the calendar year in which the credit may be claimed.

5. Teacher IV—maintain academic approval for 6 months in the tax year; and either of a bachelor's degree in early childhood/child development of which three college courses focus on infants and toddlers, related bachelor's degree with six early childhood/child development college courses of which three must focus on infant and toddlers, early childhood ancillary certificate with eligibility for staff school readiness tax credit for at least two prior years, or certificate of academic approval of a 5-star quality rated family child care program for at least one year on July 1 of the calendar year in which the credit may be claimed.

6. Master Teacher—graduate degree in early childhood/child development or unrelated graduate degree with four early childhood/child development college courses.

L. Qualification for the School Readiness Tax Credit (SRTC) for Child Care Facility Directors and Staff.

1. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the director and staff levels for earning the SRTC.

2. Child Care Facility Director Levels for SRTC. LA Pathways classification shall meet SRTC requirements for the following:

a. Director I, Level I;

- b. Director II, Level II;
- c. Director III, Level III; and
- d. Director IV, Level IV.

3. Child Care Facility Staff Levels for SRTC. LA Pathways classification shall meet SRTC requirements for the following:

- a. Teacher I, Level I;
- b. Teacher II, Level II;
- c. Teacher III, Level III; and
- d. Teacher IV or Master Teacher, Level IV.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

- 1. Will the proposed Rule affect the stability of the family? No.
- 2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
- 3. Will the proposed Rule affect the functioning of the family? No.
- 4. Will the proposed Rule affect family earnings and family budget? No.
- 5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
- 6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

- 1. Will the proposed Rule affect the household income, assets, and financial authority? No.
- 2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
- 3. Will the proposed Rule affect employment and workforce development? Yes.
- 4. Will the proposed Rule affect taxes and tax credits? Yes.
- 5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small

businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the staffing level requirements or qualifications required to provide the same level of service;
- 2. the cost to the providers to provide the same level of service; or
- 3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 139—Louisiana Child Care and Development—Fund Programs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions may result in an indeterminable increase in Louisiana Department of Education (LDE) expenditures to contract with a vendor to manage its Louisiana Pathways Child Care Career Development System, which tracks professional development and provides needed data for the distribution of School Readiness Tax Credits (SRTC).

The current contract with Northwestern State University was amended in April 2022 to extend the end date of service from June 30, 2022, to June 30, 2023, at an additional cost of \$367,873. Based on the current numbers of providers opting into the program, the LDE reports that an increase to the contract is not needed at this time. It is possible that large numbers of providers opting into the program could result in a need to increase the contract to accommodate the additional providers. Pathways functions are planned to be eventually rolled into EdLink functionality.

The revisions provide a Family Child Care Staff Track for home-based, family child care providers who opt into Academic Approval and participate in the unified quality rating system and related initiatives. This track will provide the requirements for each level associated with the SRTC for family child care staff and would incentivize provider participation in the quality rating system, as the tax credits currently incentivize Type III providers.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will lead to a decrease in state revenue collections to the extent that family child care providers opting into the academic approval program will now be eligible for the School Readiness Tax Credit (SRTC) director and staff credit. This credit was previously only available to Type III early learning centers. Family child care providers that participate in the quality rating system will qualify for the current SRTC director and staff credit.

To date, 65 family child care providers have opted into the academic approval program for the next year. Eligibility for the SRTC is expected to increase participation, although the extent to which providers will opt into the program is indeterminable.

For informational purposes, the average amount of SRTC director and staff credit claimed per early learning center staff member in 2020 was \$3,127. As of November 2021, 259 family child care providers self-identified to the Louisiana Department of Education, resulting in approximately \$809,893 in total SRTC director and staff credits potentially applied as a result of these revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will benefit participating family child care providers by making them eligible for SRTC tax credits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2207#049

Alan M Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network—Ready Start Network (LAC 28:CLXVII.309, 310, and 311)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The aforementioned revisions update policy language reflecting the existence and purpose of Ready Start Networks, enable Ready Start Networks to become a fully established component of *Bulletin 140* and ensure their existence, beyond that of limited initiative, by solidifying these networks and the associated responsibilities as necessary components of Louisiana’s early childhood care and education system.

**Title 28
EDUCATION**

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 3. Early Childhood Care and Education Network

§309. Community Network Lead Agency

A. A community network lead agency is either a state agency, a local public school system, or a non-profit having

an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary institution, or a nonprofit corporation established by the governing authority of a parish or municipality, that is approved by BESE and that:

1. serves as the fiscal agent of the community network;
2. coordinates the duties and responsibilities of the community network; and
3. acts as the liaison between the community network and the department.

B. - G.6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2583 (December 2015), amended LR 48:

§310. Ready Start Network Lead Agency

A. A Ready Start Network lead agency is either a state agency, a local public school system, or a non-profit having an educational or social services mission, including but not limited to a nonprofit corporation of a philanthropic or policy nature, a Louisiana public postsecondary institution, or a nonprofit corporation established by the governing authority of a parish or municipality, which is approved by BESE and that:

1. carries out the duties and responsibilities of the Ready Start Network;
2. acts as the liaison between the Ready Start Network and the department; and
3. is responsible for coordinating with the fiscal agent.

B. Duties and Responsibilities

1. The Ready Start Network lead agency shall be responsible for:

a. working with designated community network lead agencies in meeting the requirements of §307.B.1. Any such agreements will be memorialized in an MOU;

b. developing a coalition of local stakeholders that shall include representation from the community network and shall seek to include representation from partners such as parents, local government, non-profits, businesses, research and education entities, faith-based organizations, and/or philanthropic entities. A list of coalition members shall be submitted to the department annually;

c. establishing a Ready Start Network advisory council that advises the Ready Start Network lead agency, assists in establishment of by-laws and meeting protocols, and collaborates to develop and maintain a blueprint, which is a strategic document outlining the community network’s current state, mission, vision, and goals. A list of the advisory council members and the blueprint shall be submitted to the department annually;

d. creating, maintaining, and updating a funding plan, which is a document that identifies the Ready Start Network’s current funding sources and outlines the Ready Start Network’s plans for seeking additional funding to support early care and education initiatives implemented at the local level. The funding plan shall be submitted to the department annually.

C. Selection and Approval

1. Ready Start Network lead agencies shall be approved by BESE.

2. The department shall identify potential Ready Start Network lead agencies through a competitive process and submit them to BESE for approval.

3. Applicants for Ready Start Network lead agency shall seek support from publicly-funded programs within its designated community network by obtaining signatures and submitting them to the department in the competitive process.

4. By June 30 of each year, the department shall recommend the identified Ready Start Network lead agencies to BESE for approval.

5. If BESE has not approved a lead agency for a particular Ready Start Network by July 1, that lead agency shall not be considered a Ready Start Network.

6. Ready Start Network lead agencies approved by BESE shall serve for the fiscal year beginning July 1 and ending June 30.

7. Ready Start Network lead agencies adhere to a renewal process with the department every two years.

D. Contracts

1. Ready Start Network lead agencies approved by BESE shall enter into a Ready Start Network lead agency agreement with the department.

2. The Ready Start Network lead agency may enter into a contract or agreement with an individual or entity for performance of specific tasks within the duties and responsibilities of the Ready Start Network lead agency, but the Ready Start Network lead agency remains responsible for satisfactory completion of the tasks.

E. Funding

1. Subject to available funding, the department will make recommendations to BESE for annual funding of Ready Start Network lead agencies to carry out the responsibilities included in §310.

a. Ready Start Network lead agencies shall be notified of the total Ready Start Network funding for the following fiscal year by June 30.

b. Ready Start Network lead agencies shall use funding solely to fulfill the duties and responsibilities specific to the Ready Start Network lead agency as provided in this bulletin.

F. Audit

1. BESE may request a financial audit of the Ready Start Network lead agency's use of funds allocated to it.

2. Audits shall be at the department's expense.

3. If a Ready Start Network lead agency improperly uses its allocated funds, the Ready Start Network lead agency may be required to repay the improperly used amount.

G. Termination of Ready Start Network Lead Agency Approval

1. If a Ready Start Network lead agency fails to satisfactorily and timely comply with the duties and responsibilities contained in this bulletin or with any additional duties and responsibilities established in writing during the competitive process, the department shall notify the Ready Start Network lead agency, and all publicly-funded programs within the community network, in writing and specify any corrective actions that may be required.

2. Within 30 calendar days of receiving such notice, the Ready Start Network lead agency shall submit in writing to the department certification that the corrective actions

have been taken or are in the process of being taken and submit a timely implementation schedule for department approval.

3. If the Ready Start Network lead agency does not respond in writing in a timely or satisfactory manner or adhere to the implementation schedule approved by the department, either or both of the following actions may occur.

a. The department may withhold Ready Start Network funds from the Ready Start Network lead agency for any Ready Start Network work not yet performed.

b. The department may make a recommendation to BESE that the status of the Ready Start Network lead agency be terminated.

4. The department shall notify all publicly-funded programs in a Ready Start Network of any change in that Ready Start Network lead agency's status.

5. If a Ready Start Network lead agency's approval is terminated:

a. The entity shall be ineligible to serve as lead agency for the Ready Start Network from which its approval was terminated for a minimum period of 24 months.

b. If the entity serves as lead agency for more than one Ready Start Network, the entity may continue to serve as lead agency for any Ready Start Network for which approval has not been terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:407.23 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§311. Complaints

A. Any program or individual may submit a written complaint to the department regarding the action or inaction of the lead agency in its community network or Ready Start Network.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015), amended LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, June 9, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 140—Louisiana Early Childhood Care and Education Network Ready Start Network**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There may be increased state costs to provide funding to Ready Start Networks once existing federal funding is depleted; however, the point in time this may occur and costs are indeterminable. Additional state and federal funding will be sought to fund these networks. If additional funding cannot be secured, then funding allocations to Ready Start Networks may instead need to be reduced.

The proposed revisions update policy language reflecting the existence and purpose of Ready Start Networks, enable Ready Start Networks to become a fully established component of Bulletin 140 and ensure their existence, beyond that of limited initiative, by solidifying these networks and the associated responsibilities as necessary components of Louisiana’s early childhood care and education system.

Ready Start Networks are currently funded through a combination of Preschool Development Grant (PDG) grant funds, Child Care and Development Fund (CCDF) funds, and stimulus funds. The 37 current Ready Start Networks each receive \$100,000 annually as part of the pilot program. Over the course of the next fiscal year, as PDG funding runs out, additional funding in CCDF will be sought, with the possibility of seeking state general funding for Ready Start Network Allocations. It may also be necessary to reduce the funding allocated to Ready Start Networks.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Ready Start Networks work to expand access to high-quality childcare options within community networks. Greater access to childcare will benefit employers and employees of local businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may result in increased access to high quality childcare options within community networks. This may lead to increased job opportunities in childcare.

Beth Scioneaux
Deputy Superintendent
2207#044

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for
Nonpublic School Administrators
(LAC 28:LXXIX.303 and 3303)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:LXXIX in *Bulletin 741*

(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators. The aforementioned revisions align policy regarding accreditation of educational institutions and programs in accordance with federal regulations in 34 CFR 602 and BESE policy in Bulletins 741 and 746.

Title 28
EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

§303. Instructional Staff

A. - 2. ...

a. have a bachelor's degree from an institution accredited in accordance with 34 CFR 602;

b. - 3.a. ...

B. A teacher may teach in areas other than the major field for a period of time that is less than one-half of the school day provided that he has earned at least 12 semester hours in each such area. (Exception may be made for teachers in trade and industrial education classes.) These teachers must hold a degree from an institution accredited in accordance with 34 CFR 602 and have earned 12 semester hours of professional education courses.

B.1. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3075 (December 2005), LR 32:1417 (August 2006), LR 32:2237 (December 2006), LR 34:229 (February 2008), LR 34:609 (April 2008), LR 39:1440 (June 2013), LR 45:1055 (August 2019), LR 48:

§3303. Definitions

Academically Able Student—a student who is functioning at grade level as determined by the local school system. For special education students identified in accordance with Bulletin 1508—*Pupil Appraisal Handbook*, the Student Services Plan Committee shall determine the student's eligibility to receive foreign language instruction, provided the student is performing at grade level.

Accommodation—any technique that alters the academic setting or environment. An accommodation generally does not change the information or amount of information learned. It enables students to show more accurately what they actually know.

Accredited (formerly *regionally accredited*)—a term used to denote the status of public recognition that a nationally recognized accrediting agency grants to an educational institution or program that meets the agency standards and requirements in accordance with 34 CFR 602. When used in this Part, *regionally accredited* shall be replaced with *accredited* in accordance with 34 CFR 602.

* * *

Equivalent Major—the number of credit hours awarded from a college or university accredited in accordance with 34 CFR 602 to meet the required content hours needed to teach in a core content area.

* * *

Qualified Teacher—a teacher is considered qualified to teach in nonpublic schools if all of the following criteria are met:

1. has a bachelor's degree from an institution accredited in accordance with 34 CFR 602;

2. has a college major or the equivalent in the area of his/her teaching assignment; and

3. has earned 12 semester hours of Knowledge of the Learner and the Learning Environment.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:230 (February 2008), amended LR 36:2848 (December 2010), LR 38:1405 (June 2012), LR 39:1457 (June 2013), LR 41:1486 (August 2015), LR 46:1675 (December 2020), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the

drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will not have an effect on costs or savings to state or local governmental units. The proposed revisions align policy regarding accreditation of educational institutions and programs in accordance with federal regulations in 34 CFR 602 and BESE policy in Bulletins 741 and 746.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment. The revisions will not have an effect on the number of qualified teachers, as the updated requirements are already reflected in §521.C.2 of Bulletin 746.

Beth Scioneaux
Deputy Superintendent
2207#048

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.303, 507, 515, 1305, 1307, 1309, 1323, 1327, 1329, and 2309)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:CXXXI, Bulletin 746—*Louisiana Standards for State Certification of School Personnel*. The revisions comply with Louisiana Revised Statute 17:24.9.C as enacted by Act 438 of the 2021 Regular Legislative Session, which requires that BESE revise teacher certification requirements no later than July 31, 2022, to require foundational literacy skills standards.

Title 28

EDUCATION

Part CXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 3. Initial Teacher Certification

Subchapter B. Testing Required for Certification Areas

§303. Certification Exams and Scores

A. - E. ...

* * *

F. Reading Exams

Name of Test	Area Test Score
Teaching Reading Exam (0204 or 5204) Effective 9/1/2011 – 7/31/2020	157
Teaching Reading Exam (0206 or 5206) Effective 9/1/2019-12/31/2023	156
Teaching Reading Exam (5205) Effective 1/1/2023	159

F.1. - G. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 48:

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates
§507. Professional Level Certificates

A. - A.1.a.iv. ...

v. Beginning with the 2024 school year and beyond, successfully complete a state-approved traditional or alternate teacher preparation program:

(a) for alternate preparation completers, the applicant must receive mentoring by a school-based mentor teacher in accordance with §553 of this Chapter;

vi. have a minimum 2.50 undergraduate grade point average (GPA) on a 4.00 scale;

(a). an applicant who does not meet the GPA requirement may be certified by meeting the following requirements in an alternate teacher preparation program:

(i). satisfactorily complete a personal interview by the program admissions officer;

(ii). if the program awards credit hours, the applicant shall achieve a minimum grade point average (GPA) of 3.00 in alternate teacher preparation program courses by the end of the first 12 credit hours and successfully complete the program;

(iii). if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice; and

(iv). satisfactorily complete all program requirements as set forth by BESE, including any requirements for clinical practice, at graduation;

vii. present appropriate scores on the core exams; the principles of learning and teaching (PLT) or other pedagogy exam(s) required for the area(s) of certification as specified in §303 of this Part; and the specialty area content exam in the certification area in which the teacher preparation program was completed or in the area of initial certificate, in accordance with §303. of this Part;

viii. complete minimum number of semester hours in the teaching of reading and literacy as follows:

(a). 9 semester hours for certification in Birth-K, PK-3, 1-5, general-special education, and mild/moderate 1-5;

(b). 6 semester hours for certification in middle grades 4-8 or general-special education mild/moderate 4-8;

(c). 3 semester hours for certification in secondary 6-12, all-level K-12, or general-special education mild/moderate 6-12 programs; and

(d). 9 semester hours for certification in special education areas of early interventionist, hearing impaired, significant disabilities, or visually impaired;

(e). alternate preparation completers are required to:

(i). complete the same number of semester hours as is required for undergraduate completers; or

(ii). in lieu of semester hours, pass the adopted Teaching of Reading exam; or

(iii). complete the BESE-approved literacy foundations training; and

ix. be recommended by a state-approved university or private program provider for certification.

A.1.b. - D.2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:

§515. Practitioner Licenses

A. - A.7.c.iv. ...

d. demonstrate proficiency in reading and literacy competencies through successfully completing the required number of credit or contact hours in reading and literacy as specified in LAC 28:XLV (Bulletin 996) or completing the BESE-approved literacy foundations training or passing a reading competency assessment noting that the reading competency assessment for early childhood PK-3, elementary 1-5, and special education candidates is the Praxis teaching reading exam, and middle grades 4-8 and secondary grades 6-12 will be required to take the required reading course credit hours or equivalent contact hours until an appropriate reading competency assessment is developed and adopted; and

A.7.e. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:433 (March 2022), repromulgated LR 48:1037 (April 2022), LR 48:

Chapter 13. Regular Education Level and Area Endorsements

§1305. Requirements to add Birth to Kindergarten

A. Individuals holding a valid early childhood certificate for PK-K, PK-3, elementary certificate for grade levels 1-4, 1-5, 1- 6, or 1-8, or early interventionist certificate must achieve one of the following:

1. earn a passing score for Praxis—principles of learning and teaching early childhood (0621 or 5621); or

2. 12 semester hours of combined early childhood and kindergarten coursework; and

3. complete nine semester hours in the teaching of reading and literacy in alignment with the literacy foundations competencies.

B. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, and R.S. 17:22(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2060 (October 2007), amended LR 46:1385 (October 2020), amended LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), LR 48:

§1307. Requirements to add Early Childhood (Grades PK-3)

A. Individuals holding a valid elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8 must achieve one of the following:

1. earn a passing score for Praxis—principles of learning and teaching early childhood (0621 or 5621); or

2. 12 semester hours of combined early childhood and kindergarten coursework; and

3. complete 9 semester hours in the teaching of reading and literacy in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours

or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

B. - B.4. ...

5. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

6. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

C. - C.2. ...

3. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

D. - D.1. ...

2. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

3. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022), LR 48:

§1309. Requirements to add Elementary (Grades 1-5)

A. - A.2. ...

3. Earn nine semester hours of reading in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

B. - B.3. ...

4. Earn nine semester hours of reading in alignment with the literacy foundations competencies.

5. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:455 (March 2022), repromulgated LR 48:1064 (April 2022), LR 48:

§1323. Requirements to add Early Interventionist Birth to Five Years

A. - A.2.f. ...

3. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:457 (March 2022), repromulgated LR 48:1066 (April 2022), LR 48:

§1327. Requirements to add Mild/Moderate (1-5), (4-8), and (6-12)—Mandatory 7/1/2010

A. - A.1.f. ...

2. Passing score for Praxis exams—Special Education: Core Knowledge and Mild to Moderate Applications; and

3. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

B. - B.1.f. ...

2. passing score for Praxis exams—Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543), Principles of Learning and Teaching (PLT): K-6, and Elementary Education: Content Knowledge Exam (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001); and

3. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies;

4. alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

C. - C.2.b.ii. ...

iii. Secondary Core Content Exam(s); and

3. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

D. - D.2.b.ii. ...

iii. Secondary Core Content Exam(s);

3. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies;

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

E. - E.2.a.(iii). ...

b. Mild/Moderate (6-12)—Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543) and Secondary Content Exam(s); and

3. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

4. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours

or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:458 (March 2022), repromulgated LR 48:1066 (April 2022), LR 48:

§1329. Requirements to add Significant Disabilities 1-12

A. - A.2. ...

3. Passing score for Praxis exams—Special Education: Core Knowledge and Severe to Profound Applications (0545 or 5545); and

4. Earn nine semester hours of reading coursework in alignment with the literacy foundations competencies.

B. Alternate preparation completers may pass the adopted Teaching of Reading exam in lieu of semester hours or successfully complete the BESE-approved literacy foundations training, in accordance with §303 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR: 48:460 (March 2022), repromulgated LR 48:1069 (April 2022), LR 48:

Chapter 23. Approved Courses to Reinstate Lapsed Certificates

§2309. Early Childhood (PK, K, PK-3)

A. - A.9. ...

10. technology in the classroom;

11. teaching in an inclusive setting; and

12. approved literacy foundations training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:477 (March 2022), repromulgated LR 48:1085 (April 2022), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and

kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will not have an effect on costs or savings to state or local governmental units. The revisions comply with Louisiana Revised Statute 17:24.9.C as enacted by Act 438 of the 2021 Regular Legislative Session, which requires that the Board of Elementary and Secondary Education (BESE) revise teacher certification requirements no later than July 31, 2022, to require foundational literacy skills standards.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Educators in alternate teacher preparation programs applying for initial or add-on certification in one of the areas affected by these revisions will incur an examination fee of \$156 if they take the PRAXIS teaching reading exam in lieu of required credit hours or BESE-approved literacy foundations training.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2207#063

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Appeal Process (LAC 28:CXXXI.1703)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions allow additional time from time of denial of an educator credential for an applicant to appeal by increasing from 90 days to 120 days. Additionally, revisions align language regarding post-secondary degrees, require that appeals regarding effectiveness include evidence from the local board that justifies issuance of a credential, and make technical edits.

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 17. Certification Appeal Process

§1703. Appeal Process

A. An applicant who is denied certification but seeks an appeal based upon legitimate grounds may submit a certification appeal application to the LDE. Only an individual who has been evaluated and denied certification through the LDE is eligible to file an appeal to be considered by the TCAC. The following restrictions apply:

1. An appeal cannot be initiated until:
 - a. an applicant has submitted a complete certification application to the LDE;
 - b. the application is reviewed by a certification specialist; and

c. the applicant is notified the requested certification is denied.

2. An appeal application is received by the certification office within 120 days from the date that the certification request was denied.

3. Appeals will not be considered for individuals who:

- a. lack exam requirements for initial certification;
- b. lack a minimum grade point average of 2.50 for initial certification and who did not meet the conditional admittance and program requirements as outlined in R.S. 17:7.1(A)(3);
- c. lack reading requirements per R.S. 17:7.1(A)(4)(a);
- d. lack 50 percent or more of courses or preparation program requirements required for certification;
- e. lack a degree from a college or university accredited in accordance with 34 CFR 602; or
- f. failed to meet the standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902 and have not provided evidence from the local board that justifies the issuance of a certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:474 (March 2022), repromulgated LR 48:1082 (April 2022), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel—Appeal Process

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on costs or savings to state or local governmental units. The revisions allow additional time from denial of an educator credential for an applicant to appeal by increasing the time limit from 90 days to 120 days. Additionally, the revisions align language regarding post-secondary degrees, require that appeals regarding effectiveness include evidence from the local board that justifies issuance of a credential, and make technical edits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions may benefit applicants for educator credentials by providing additional time to appeal a denial.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2207#047

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Teacher Certification
(LAC 28:CXXXI.1703)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The revisions allow additional time from time of denial of an educator credential for an applicant to appeal by increasing from 90 days to 120 days. Additionally, revisions align language regarding post-secondary degrees, require that appeals regarding effectiveness include evidence from the local board that justifies issuance of a credential, and make technical edits.

Title 28 EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel Chapter 17. Certification Appeal Process §1703. Appeal Process

A. An applicant who is denied certification but seeks an appeal based upon legitimate grounds may submit a certification appeal application to the LDE. Only an individual who has been evaluated and denied certification through the LDE is eligible to file an appeal to be considered by the TCAC. The following restrictions apply:

1. An appeal cannot be initiated until:
 - a. an applicant has submitted a complete certification application to the LDE;
 - b. the application is reviewed by a certification specialist; and
 - c. the applicant is notified the requested certification is denied.

2. An appeal application is received by the certification office within 120 days from the date that the certification request was denied.

3. Appeals will not be considered for individuals who:
 - a. lack exam requirements for initial certification;
 - b. lack a minimum grade point average of 2.50 for initial certification and who did not meet the conditional admittance and program requirements as outlined in R.S. 17:7.1(A)(3);
 - c. lack reading requirements per R.S. 17:7.1(A)(4)(a);

d. lack 50 percent or more of courses or preparation program requirements required for certification;

e. lack a degree from a college or university accredited in accordance with 34 CFR 602; or

f. failed to meet the standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902 and have not provided evidence from the local board that justifies the issuance of a certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:474 (March 2022), repromulgated LR 48:1082 (April 2022), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety,

environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel Teacher Certification

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will not have an effect on costs or savings to state or local governmental units. The revisions allow additional time from denial of an educator credential for an applicant to appeal by increasing the time limit from 90 days to 120 days. Additionally, the revisions align language regarding post-secondary degrees, require that appeals regarding effectiveness include evidence from the local board that justifies issuance of a credential, and make technical edits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions may benefit applicants for educator credentials by providing additional time to appeal a denial.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2207#046

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Emergency Contracting Process
(LAC 28:I.103, 305, 501, and 1103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:I, BESE Code. The revisions provide for revisions to the emergency contracting process, as recommended by the Legislative Auditor.

Title 28 EDUCATION

Part I. BESE/8(g) Operations

Chapter 1. General Provisions

§103. Definitions

* * *

Louisiana Department of Education or *LDE*—the Louisiana Department of Education, the administrative arm of the Board of Elementary and Secondary Education.

RSD—the Recovery School District.

Senate—the Louisiana Senate.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:409 (March 2008), amended LR 38:3149 (December 2012), LR 48:410 (March 2022), LR 48:

Chapter 3. Composition and General Authority

§305. Election of Officers and Their Duties

A. ...

B. The president shall conduct board meetings and perform duties designated by the board or by statute. The president shall appoint members of committees of the board. The president shall sign, on behalf of the board, contracts, agreements, and/or official documents approved by the board. The president is authorized to make ad hoc decisions for the board in emergency situations when the board is not in regular or special session and where policies and statutes are silent. However, excluding emergency contract approval outlined in §1103.C.5 of this Part, any such decisions that constitute an obligation, official position, or action of the board are subject to ratification by the board at the next scheduled meeting.

1. An emergency condition is a situation which creates a threat to public health, welfare, safety, or public property such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as proclaimed by the state superintendent. The existence of such condition creates an immediate and serious need for action by the board that cannot be met through normal board procedures and the lack of which would seriously threaten:

- a. the functioning of Louisiana government;
- b. the preservation or protection of property; or
- c. the health or safety of any person.

2. In the event there is an emergency situation, as defined in applicable law and BESE policy, or when the board is not in regular or special session, the president, upon signature, may make a decision on behalf of the board, upon the receipt of a written memorandum from the state

superintendent or his/her designee, setting forth the request for action.

a. The state superintendent or his/her designee shall forward the request to the BESE executive director to include the following:

- i. the reason for the request;
 - ii. a description of the services to be provided;
- and
- iii. any necessary backup documentation to support the request.

b. The emergency decision shall be communicated electronically by the executive director, to the extent possible, including all of the aforementioned information, to all board members within 24 hours of action, as well as presented at its next meeting for ratification.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3 and R.S. 17:22.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:409 (March 2008), amended LR 38:3149 (December 2012), LR 39:3262 (December 2013), LR 48:

Chapter 5. Organization

§501. Committees

A. - A.3.a.i. ...

- (a). policy concepts;
- (b). certification revocations;
- (c). records reviews for certification denial or revocation in accordance with LAC 28:CXXXI.Chapter 19, Bulletin 746;

i. - 4.b.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:415 (March 2008), amended LR 35:223 (February 2009), LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2139 (July 2011), LR 38:3152 (December 2012), repromulgated LR 39:308 (February 2013), amended LR 39:3263 (December 2013), LR 45:1443 (October 2019), LR 48:412 (March 2022), LR 48:

Chapter 11 Finance and Property

§1103. Purchasing, Auditing, and Contracts for Professional/Consulting/Social Services

A. - B.3. ...

C. Authority and Delegation for contracts for Professional/Consulting/Social Services

1. Entities under the jurisdiction of the board shall negotiate all contracts for professional/consulting/social services in accordance with all applicable federal and state laws and in accordance with all applicable federal and state rules and regulations and board policy.

2. The state superintendent may negotiate and approve contracts for professional/consulting/social services in the amount of \$50,000 or less and shall issue a report for receipt by the board on all contracts approved. Contracts in the amount of \$50,000 or less, approved via the authority of the state superintendent, cannot be amended under this same authority, such that the original contract and subsequent amendments result in an overall amount of greater than \$50,000, unless approved by the board, or the board president and chairman of finance via emergency authority.

3. The state superintendent shall recommend to the board for approval all contracts negotiated by the LDE and/or RSD in accordance with board policy for

professional/consulting/social services over \$50,000. BESE approval and signature of the board president shall be obtained prior to execution and/or payment of contracts greater than \$50,000.

4. In the event of a suspension of any provisions of the Louisiana Procurement Code or of any provision of the corresponding rules and regulations, BESE approval shall be required as provided in Subparagraphs 2 and 3 of this subsection, unless those provisions are also suspended.

a. The request shall be forwarded to the BESE executive director to include the following:

- i. the reason for the request, the name of the contractor/recipient, the amount of the contract/allocation;
- ii. the contract/allocation period; and
- iii. a description of the services to be provided.

b. The emergency approval shall be communicated, to the extent possible, electronically, including all of the aforementioned information, to all board members within 24 hours of approval, as well as presented at its next meeting.

c. An emergency condition is a situation which creates a threat to public health, welfare, safety, or public property such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as proclaimed by the state superintendent. The existence of such condition creates an immediate and serious need for supplies, services, or major repairs that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- i. the functioning of Louisiana government;
- ii. the preservation or protection of property; or
- iii. the health or safety of any person.

d. The state superintendent shall require that a record be created of all emergency declarations by making a written determination stating the basis for an emergency procurement, in addition to BESE emergency approval, as well as the selection of a particular contractor/recipient. In addition to the written determination describing the basis for the emergency procurement and issuance, the record shall also contain:

- i. each contractor's/recipient's name;
- ii. the amount and type of each contract/recipient; and
- iii. a listing of services procured under each contract or allocated to each recipient; and
- iv. the written memorandum from the state superintendent of education or his designee setting forth the request for BESE approval, the reason for the request, the name of the contractor, the amount of the contract, the contract period, and a description of the services to be provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:424 (March 2008), amended LR 38:3155 (December 2012), LR 39:3266 (December 2013), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption,

repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Emergency Contracting Process

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will not have an effect on costs or savings to state or local governmental units. The revisions amend the emergency contracting process, as recommended in a report published by the Louisiana Legislative Auditor.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Beth Scioneaux
Deputy Superintendent
2207#045

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Graduation Requirements
(LAC 28:IX.6821; LXXIX.2111; CXV.2318 and 2319)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to LAC28:IX, *Bulletin 118—Statewide Assessment Standards and Practices*, LAC 28: CXV, *Bulletin 741—Louisiana Handbook for School Administrators*, and LAC 28:LXXIX, *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The revisions relate to the availability of flexibility of graduation requirements for high school seniors enrolled during the spring 2022 semester and scheduled to graduate by August 31, 2022.

Title 28 EDUCATION

Part IX. Bulletin 118—The Louisiana School, District, and State Accountability System

Chapter 68. LEAP 2025 Assessments for High School §6821. High School Test Cohorts

[Formerly LAC 28:CXI.1821]

A. - B. ...

1. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, and for high school seniors enrolled during spring 2022 and graduating by August 31, 2022, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all LEAP 2025 high school assessments.

a. - d.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 38:36 (January 2012), LR 44:470 (March 2018), LR 47:859 (July 2021), LR 48:

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 21. Curriculum and Instruction

§2111. State Diploma

A. - B.2. ...

3. For high school seniors enrolled during spring 2022 and graduating by August 31, 2022, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

a. an ACT composite score of 17 or higher for all students; or

b. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

i. a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

ii. a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

iii. a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

c. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

i. the instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above, as determined by either the school or school system.

ii. a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

d. for purposes of this Section, a qualified teacher is defined as a teacher holding a valid and current Louisiana

teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 31:636 (March 2005), LR 31:3082 (December 2005), LR 36:1498 (July 2010), LR 39:1446 (June 2013), LR 48:38 (January 2022), LR 48:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

§2318. The TOPS University Diploma

A. - B.3. ...

a. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, and for high school seniors enrolled during spring 2022 and graduating by August 31, 2022, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

B.3.a.i. - D.3 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:860 (July 2021), amended LR 48:33 (January 2022), LR 48:39 (January 2022), repromulgated LR 48:1092 (April 2022), LR 48:

§2319. The Career Diploma

A. - A.3. ...

a. For high school seniors graduating during the 2020-2021 and 2021-2022 academic years, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

A.3.a.i. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050

(October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:860 (July 2021), LR 48:39 (January 2022), repromulgated LR 48:1093 (April 2022), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered

and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Graduation Requirements**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions may result in increased costs to school districts to provide extended learning hours to high school seniors; however, this is indeterminable. Students impacted by these revisions may already be participating in extended learning, and these students will be able to apply that learning experience toward graduation requirements. The proposed revisions extend the 2020-2021 LEAP 2025 exemption and substitution provisions to public and nonpublic high school seniors graduating by August 31, 2022. The proposed revisions allow ACT scores or extended learning hours to satisfy the LEAP 2025 assessment requirements for graduation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions may benefit certain high school seniors by allowing them to graduate on time despite not meeting the LEAP 2025 assessment requirements for graduation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2207#052

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Board of Regents
Office of Student Financial Assistance**

Scholarship/Grant Programs
Dual Enrollment Psychology
(LAC 28:IV.703)

The Board of Regents announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6).

This rulemaking adds Dual Enrollment Psychology as a course that may be used to complete the TOPS Core Curriculum requirement in social studies and that may be graded on a 5.00 grading scale for high school graduates of 2018 and later. (SG22205NI)

Title 28

EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 7. Taylor Opportunity Program for Students (Tops) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A. - A.5.a.ii.(e). ...

(f). For students graduating in academic year (high school) 2017-2018 and after, the courses listed in the tables below have been approved by the Board of Regents and the state Board of Elementary and Secondary Education to be converted to a 5.00 scale when used to complete the core curriculum, and shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a.

(i). Advanced Placement Courses

TOPS Core Course	Advanced Placement
Art	AP Art History AP Studio Art: 2-D Design AP Studio Art: 3-D Design AP Studio Art: Drawing
Biology II	AP Biology
Calculus	AP Calculus AB AP Calculus BC
Chemistry II	AP Chemistry
Chinese	AP Chinese Language and Culture
Economics	AP Macroeconomics AP Microeconomics

TOPS Core Course	Advanced Placement
English III	AP English Language and Composition
English IV	AP English Literature and Composition
Environmental Science	AP Environmental Science
European History	AP European History
Fine Arts Survey	AP Music Theory
French	AP French Language and Culture
German	AP German Language and Culture
Italian	AP Italian Language and Culture
Japanese	AP Japanese Language and Culture
Latin	AP Latin
Physics I	AP Physics I: Algebra Based AP Physics II: Algebra Based AP Physics C: Electricity and Magnetism AP Physics C: Mechanics
Probability and Statistics	AP Statistics
Spanish	AP Spanish Language and Culture
US Government or Civics	AP U.S. Government and Politics: Comparative AP U.S. Government and Politics: United States
US History	AP U.S. History
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	AP Psychology
World Geography	AP Human Geography
World History	AP World History

(ii). International Baccalaureate® Courses

TOPS Core Course	International Baccalaureate
Advanced Math–Pre Calculus	IB Math Studies (Math Methods)
Arabic	IB Language ab initio: Arabic IB Language B: Arabic
Art	IB Visual Arts
Biology II	IB Biology I IB Biology II
Calculus	IB Mathematics SL IB Mathematics HL
Chemistry II	IB Chemistry I IB Chemistry II
Chinese	IB Language ab initio: Chinese IB Language B: Chinese
Economics	IB Economics
English III	IB Literature IB Language and Literature IB Literature and Performance
English IV	IB Literature IB Language and Literature IB Literature and Performance
Environmental Science	IB Environmental Systems
French	IB Language ab initio: French IB Language B: French
German	IB Language ab initio: German IB Language B: German

TOPS Core Course	International Baccalaureate
Italian	IB Language ab initio: Italian IB Language B: Italian
Japanese	IB Language ab initio: Japanese IB Language B: Japanese
Latin	IB Classical Language
Music (Performance)	IB Music
Physics I	IB Physics I IB Physics II
Pre-Calculus	IB Math Studies (Math Methods)
Spanish	IB Language ab initio: Spanish IB Language B: Spanish
Theatre (Performance)	IB Film Study IB Theatre IB Dance
US History	IB History of the Americas I
World Geography	IB Geography
World History	IB History of the Americas II

(iii). Gifted and Talented Courses

TOPS Core Course	Gifted and Talented
Art	Art History Talented Visual Arts I Talented Visual Arts II Talented Visual Arts III Talented Visual Arts IV
Biology II	Biology II
Calculus	Calculus I Calculus II
Chemistry I	Chemistry I
Chemistry II	Chemistry II
Chinese	Chinese III Chinese IV
Economics	Economics
English III	English III
English IV	English IV
Environmental Science	Environmental Science
European History	European History
French	French III French IV
German	German III German IV
Italian	Italian III Italian IV
Japanese	Japanese III Japanese IV
Latin	Latin III Latin IV
Music (Performance)	Talented Music I, II, III, IV Small Voice Ensemble II Choir: Intermediate Choir: Advanced Orchestra: Intermediate Orchestra: Advanced
Physics I	Physics
Pre-Calculus	Pre-Calculus
Spanish	Spanish III Spanish IV
Theatre (Performance)	Introduction to Film Studies Talented Theater I, II, III, IV
US Government or Civics	Government
US History	U.S. History
World Geography	World/Human Geography

(iv). Dual Enrollment Courses

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Advanced Math–Pre Calculus	Trigonometry	CMAT 1223
Advanced Math-Functions and Statistics	Introductory Statistics	CMAT 1303
Algebra III	College Algebra	CMAT 1213
Arabic	Elementary Arabic I Elementary Arabic II	CARB 1013/1014 CARB 1023/1024
Art	Art History I or II Art Structure/2-D Design Beginning Drawing	CART 2103/2113 CART 1113 CART 2203
Biology I	General Biology I General Biology I (Science Majors)	CBIO 1013 CBIO 1033
Biology II	General Biology I General Biology I (Science Majors) General Biology II General Biology II (Science Majors) Human Anatomy & Physiology I Human Anatomy & Physiology I (Lec/Lab) Human Anatomy & Physiology II Human Anatomy & Physiology II (Lec/Lab)	CBIO 1013 CBIO 1033 CBIO 1023 CBIO 1043 CBIO 2213 CBIO 2214 CBIO 2223 CBIO 2224
Calculus	Applied Calculus Calculus I Calculus II Differential Calculus I Integral Calculus I	CMAT 2103 CMAT 2113-5 CMAT 2123-5 CMAT 2113 CMAT 2116
Chemistry I	General Chemistry Survey I Chemistry I Chemistry I (Science Majors)	CCEM 1013 CCEM 1103 CCEM 1123
Chemistry II	General, Organic and Biochemistry General Chemistry Survey I Chemistry I Chemistry I (Science Majors) Chemistry II Chemistry II (Science Majors)	CCEM 1003 CCEM 1013 CCEM 1103 CCEM 1123 CCEM 1113 CCEM 1133
Earth Science	Physical Geology Historical Geology	CGEO 1103 CGEO 1113
Economics	Economic Principles Macroeconomics Microeconomics	CECN 2113 CECN 2213 CECN 2223
English III	English Composition I English Composition II American Literature I American Literature II Major American Writers	CENL 1013 CENL 1023 CENL 2153 CENL 2163 CENL 2173
English IV	English Composition I English Composition II British Literature I British Literature II Major British Writers World Literature I World Literature II Major World Writers Introduction to Fiction Introduction to Literature Introduction to Poetry and/or Drama	CENL 1013 CENL 1023 CENL 2103 CENL 2113 CENL 2123 CENL 2203 CENL 2213 CENL 2223 CENL 2303 CENL 2323 CENL 2313
Environmental Science	Environmental Science	CEVS 1103

TOPS Core Course	Dual Enrollment	
	Common Course Name	Common Course Code
Fine Arts Survey	Exploring the Arts Introduction to Visual Arts Dance Appreciation Music Appreciation	CART 1013 CART 1023 CDNC 1013 CMUS 1013
French	Elementary French I Elementary French II Intermediate French I Intermediate French II	CFRN 1013/1014 CFRN 1023/1024 CFRN 2013/2014 CFRN 2023
German	Elementary German I Elementary German II Intermediate German I Intermediate German II	CGRM 1013/1014 CGRM 1023/1024 CGRM 2013 CGRM 2023
History Of Religion	World Religions	CPHL 2213
Latin	Elementary Latin I Elementary Latin II Intermediate Latin I Intermediate Latin II	CLTN 1013/1014 CLTN 1023/1024 CLTN 2013 CLTN 2023
Physical Science	Physical Science I	CPHY 1023
Physics I	Physics I (Algebra/Trigonometry Based) Physics I (Lecture and Lab) Physics I (Calculus Based)	CPHY 2113 CPHY 2114 CPHY 2133
Pre-Calculus	Algebra and Trigonometry	CMAT 1233
Probability and Statistics	Introductory Statistics	CMAT 1303
Spanish	Elementary Spanish I Elementary Spanish II Intermediate Spanish I Intermediate Spanish II	CSPN 1013/1014 CSPN 1023/1024 CSPN 2013/2014 CSPN 2023
Theatre (Performance)	Acting I or II Introduction to Theatre	CTHE 2103/2113 CTHE 1013
US Government or Civics	Introduction to American Government Introduction to State and Local Government Introduction to Comparative Government	CPOL 2013 CPOL 2113 CPOL 2213
US History	American History I or II	CHIS 2013/2023
Western Civilization	Western Civilization I or II	CHIS 1013/1023
Western Civilization, European History or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics Economics, AP Macroeconomics AP Microeconomics	Introduction to Psychology	CPSY2013
World Geography	World Regional Geography	CGRG 2113
World History	World Civilization I or II	CHIS 1113/1123

(v). Honors Courses

TOPS Core Course	Honors
Arabic	Arabic: Cambridge AICE-AS
Biology II	Biology II: Honors
IB Biology II	Biology II: Cambridge AICE-AS
Calculus I	Calculus: Honors Math 2 (Part 1): Cambridge AICE-A Level
Calculus II	Math 2 (Part 2): Cambridge AICE – A Level
Chemistry I	Chemistry I: Honors
Chemistry II	Chemistry II: Honors
IB Chemistry II	Chemistry II: Cambridge AICE-AS
Chinese	Chinese: Cambridge AICE-AS
Economics	Economics: Cambridge AICE - AS

A.5.a.iii.(a) - L.2.c.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010), LR 36:2855 (December 2010), LR 37:2987 (October 2011), LR 38:354 (February 2012), LR 38:3158 (December 2012), LR 39:481 (March 2013), LR 39:2485 (September 2013), LR 40:54 (January 2014), LR 41:373 (February 2015), LR 41:651, 664 (April 2015), LR 41:1486 (August 2015), LR 41:2596, 2599 (December 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 42:1657 (October 2016), LR 42:1882 (November 2016), LR 43:518 (March 2017), LR 43:1346 (July 2017), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:506 (March 2018), LR 44:1004 (June 2018), LR 44:1870 (October 2018), LR 46:326 (March 2020), LR 47:39 (January 2021), amended LR 47:861 (July 2021), LR 47:864 (July 2021), amended LR 47:868 (July 2021), LR 48:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (SG22205NI) until 4:30 p.m., August 22, 2022, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Scholarship/Grant Programs Dual Enrollment Psychology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change may result in an increase in state and local expenditures; however, this is indeterminable and anticipated to be minimal. The revisions would add Psychology as a dual enrollment course that can be taken to count towards the TOPS social sciences core curriculum requirements. As a dual enrollment course, the course may be graded on a 5.0 scale for high school graduates of 2018 and later for the purposes of determining students' high school grade point average on the TOPS core curriculum courses. This grading scale may cause a minimal increase in TOPS expenditures due to more students qualifying for a higher TOPS award level. In addition, local school districts and other public schools may experience increased costs as a result of additional students taking dual enrollment courses, however this is indeterminable. Course offerings are provided through cooperative agreements between individual districts and credit granting institutions, which vary in terms of tuition and fee charges, where the instruction takes place, and who conducts the course.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governments will not be affected by the proposed changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

A small number of students may qualify for a higher TOPS award level. There are no anticipated direct impacts on small business or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

Robyn Rhea Lively
Senior Attorney
2207#016

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Architectural Examiners

Deceased or Retired Member Predecessor Firms
(LAC 46:I.1525)

Notice is hereby given that the Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), proposes to amend LAC 46:I.1525 pertaining to Deceased or Retired Member Predecessor Firms..

The proposed amendment to Rule §1525 is intended to clarify that an architect may include in the firm name the real name or names of one or more living, deceased, or retired members of the firm, or the name of a predecessor firm in a continuing line of succession, provided the status of the deceased or retired member is clearly shown on the firm letterhead and website. The proposed change is to the final sentence of the existing rule only. Upon the retirement or death of a firm member, the firm letterhead and website, not the firm name, should be changed to show the status of the deceased or retired member as soon as reasonably possible.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 15. Titles, Firm Names, and Assumed Names §1525. Deceased or Retired Member Predecessor Firms

A. An architect may include in the firm name the real name or names of one or more living, deceased, or retired members of the firm, or the name of a predecessor firm in a continuing line of succession. The status of any deceased or retired member must be clearly shown on the firm letterhead and website by use of the words “retired” or “deceased” or by showing the years of the member’s birth and death. Upon the retirement or death of a firm member, the firm letterhead and website should be changed as soon as reasonably possible, which change shall occur no later than one year following the retirement or death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:570 (April 2003), amended LR 37:2404 (August 2011), amended LR 48:

Family Impact Statement

The proposed rules are not anticipated to have an impact on family formation, stability, or autonomy as described in R.S. 40:972.

Poverty Impact Statement

The proposed rules are not anticipated to have an impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

The proposed rules are not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rules are not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments to Tyson Ducote, Executive Director, Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 4:30 p.m., August 15, 2022.

Tyson Ducote
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Deceased or Retired Member Predecessor Firms

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed change to LAC 46:I.1525 is not anticipated to have an impact upon the costs or savings to state or local governmental units. The proposed rule is merely intended to clarify that a firm does not need to change its firm name upon the retirement or death of a firm member. Upon the retirement or death of a firm member, the firm letterhead and website, not the firm name, should be changed to show the status of the deceased or retired member.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on the revenue collections of state or local governmental units. No revenue collections related to the name of an architectural firm are made by state or local governmental units upon the retirement or death of a firm member.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs or economic benefits to architects or any other directly affected persons, small businesses, or non-governmental groups related to the amendment of the proposed rule. The proposed rule merely clarifies the intent of the original rule. Upon the retirement or death of a firm member and as stated in the first two sentences of the existing rule, the board has long permitted an architectural firm to retain the name of a deceased or retired member in its firm name, provided the status of any deceased or retired member is clearly shown on the firm letterhead and website.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition or employment associated with adoption of the proposed rule. The proposed rule merely clarifies the intent of the original rule. Upon the retirement or death of a firm member, the board has long permitted an architectural firm to retain the name of a deceased or retired member in its firm name, provided the status of any deceased or retired member is clearly shown on the firm letterhead and website.

Tyson J. Ducote
Executive Director
2207#014

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Group Benefits

Health Benefits—Pre-Existing Condition Limitation (LAC 32:I:1509)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., as authorized pursuant to R.S. 42:801 and 42:802, the Office of the Governor, Division of Administration, Office of Group Benefits, proposes to repeal LAC 32:I:1509. The provisions of the Rule no longer apply to the benefits offered by the Office of Group Benefits, due to the passage of the federal Patient Protection and Affordable Care Act.

Title 32

EMPLOYEE BENEFITS

Part I. General Provisions

Chapter 15. Participation by Active or Retired Members of the Louisiana National Guard

§1509. Health Benefits—Pre-Existing Condition Limitation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:2010 (August 2005), repealed LR 48:

Family Impact Statement

The proposed repeal of this Rule is not anticipated to have an impact on family formation, functioning, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed repeal of this Rule is not anticipated to have an impact on poverty, as described in R.S. 49:973.

Small Business Statement

The proposed repeal of this Rule is not anticipated to have an adverse effect or economic impact on small businesses in accordance with the Regulatory Flexibility Act.

Provider Impact Statement

The proposed repeal of this Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments about the proposed Rules to the Office of Group Benefits, Attn.: Bill Guerra, P.O. Box 44036, Baton Rouge, LA 70804. The deadline for receipt of written comments is Tuesday, August 9, 2022 by 4:30 PM.

Public Hearing

A public hearing on the proposed repeal of this Rule may be held on Wednesday, August 24, 2022, beginning at 9:00 AM, in the Louisiana Purchase Room (Room 1-100) on the

first floor of the Claiborne Building, located at 1201 North Third Street, Baton Rouge, LA 70802, if such a hearing is requested by Tuesday, August 9, 2022 by 4:30 PM. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at the hearing. Individuals with disabilities who require special services or accommodations should contact Bill Guerra by phone at 225-342-9637 or by email at bill.guerra@la.gov at least seven working days in advance of the hearing. For assistance in determining if a hearing will be held, please call OGB Customer Service at 225-925-6625, or at 1-800-272-8451.

David W. Couvillon
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Health Benefits Pre-Existing Condition Limitation

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed repeal of LAC 32:I:1509 – Pre-Existing Condition Limitation will not have an impact on the expenditures of the Office of Group Benefits ("OGB"). In compliance with the federal Patient Protection and Affordable Care Act of 2010 ("ACA"), OGB eliminated all pre-existing condition exclusions from its health plans effective January 1, 2014.

This proposed rule repeals outdated pre-existing condition limitation that provided medical expenses incurred during the first 12 months following the date of enrollment of a member and/or dependent will not be considered as covered medical expenses if they are in connection with a disease, illness, accident, or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately prior to the date of enrollment. This proposed rule applies to OGB sponsored health coverage for eligible active or retired members of the Louisiana National Guard and their dependents.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed repeal of LAC 32:I:1509 will not have an impact on the revenues of OGB or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There will be no additional costs or economic benefits to the existing or future OGB health plan members of OGB or agencies participating in OGB programs as a result of the proposed repeal of LAC 32:I:1509.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed repeal of LAC 32:I:1509 will not have no effect on competition and employment.

Bill Guerra
Group Benefits Administrator
2207#010

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Real Estate Commission

Licensure, Franchise, Real Estate Schools and Vendors
(LAC 46:LXVII.501, 507, 901, 907, 1507,
3101, 4501-4515, 5307, 5319, and 5505)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Commission has initiated procedures to amend LAC 46:LXVII.Chapters 5,9,15,31,45,53, and 55. The proposed rule changes are necessary to mirror changes made by amendment and reenactment of R.S. 37:1442 and 1443(4) during the 2019 Regular Session of the Legislature. Rule changes also made to clarify exam approval and retake process, which has become easier for applicants due to technology upgrades and automation. Clarification in the language regarding continuing education requirements to ensure that all licensees understand what is required to remain in good standing.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate

Subpart 1. Real Estate

Chapter 5. Examinations

§501. Authorization

A. The commission shall issue an examination authorization to each eligible applicant. The examination authorization shall be valid for one year.

B. ...

C. An applicant whose examination authorization expires prior to the applicant taking the examination shall receive a new examination authorization upon submission of a new application and the processing fee prescribed in R.S. 37:1443.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:38 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1446 (August 2006), repromulgated LR 37:3000 (October 2011), amended LR 48:

§507. Failure of Examination

A. Any applicant who fails an examination may apply to retake the examination. After one year the applicant shall be required to submit a new application and remit all prescribed fees to be eligible for the licensing examination.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:38 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1446 (August 2006), LR 37:3000 (October 2011), LR 48:

Chapter 9. Renewal of Licenses, Registrations and Certificates

§901. Timely Submission of License, Registration, or Certificate Renewal

A. - B. ...

C. A licensee, registrant, or certificate holder who fails to renew by December 31 is prohibited beginning January 1 from engaging in any activities requiring a license, registration, or certificate. .

D. A licensee whose sponsoring broker fails to renew by December 31 is prohibited beginning January 1 from engaging in any activities requiring a license until such time as the licensee becomes sponsored by a duly-licensed, sponsoring broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:39 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1447 (August 2006), LR 37:3001 (October 2011), amended LR 48:

§907. Education Hours Required for Renewal

A. Each licensee renewing in the active status shall complete 12 hours of approved course work prior to license renewal. A minimum of four of the 12 hours shall be completed in annual mandatory topic(s) designated by the commission.

B. All initial licensees shall complete 45 post-license hours within 180 days of the initial license date. Post-licensing education credit hours may be used to satisfy no more than eight of the twelve annual continuing education credit hours required by law and shall not satisfy the mandatory topic requirements imposed by law or this Section.

C. ...

D. Education that is not obtained through an approved real estate continuing education vendor shall be submitted to the commission prior to renewal for review and approval towards the annual continuing education requirement prescribed in R.S. 37:1437.

E. - F.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:40 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1447 (August 2006), LR 37:3001 (October 2011), LR 48:

Chapter 15. Transfers and Terminations

§1507. Change of Licensing Status

A. - B. ...

C. An individual broker that elects to become exclusively affiliated with a sponsoring broker shall submit a request to transfer on forms prescribed by the commission, which shall be accompanied by the fees prescribed in R.S. 37:1443. Prior to submitting the request to transfer, the individual broker shall notify any sponsored licensees of the intended transfer and shall complete and submit a termination of sponsorship as prescribed by the commission for each sponsored licensee.

D. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:41 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 28:485 (March 2002), amended LR 32:1449 (August 2006), LR 37:3002 (October 2011), LR 48:

Chapter 31. Change of Address and/or Telephone Number

§3101. Reporting Change of Address and/or Telephone Number

A. The commission shall be notified in writing within 10 days of a change in the following information of a licensee, registrant, or certificate holder:

1. mailing address, physical address, or email address;
2. primary telephone number;
3. any other contact information for the business or the domicile of record for the licensee, registrant, or certificate holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:47 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1454 (August 2006), LR 37:3007 (October 2011), LR 48:

Chapter 45. Franchise Operations

§4501. Registration of Franchise Name

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 28:830 (April 2002), LR 37:3011 (October 2011), repealed LR 48:

§4503. Registration of Franchise Operation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), repealed LR 48:

§4505. Application for Registration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), repealed LR 48:

§4507. Agent for Service of Process

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

§4509. Annual Registration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

§4511. Renewal Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

§4513. Penalty

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

§4515. Violations of Law

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

Chapter 53. Real Estate Schools

§5307. Certificates of Authority; Initial and Renewal Certifications

A. - E. ...

F. Applications for delinquent renewal of a certificate of authority shall not be accepted by the commission after December 31. Failure to renew an expired Certificate of Authority during the prescribed delinquent period of October 1 through December 31 shall result in the forfeiture of renewal rights. Any real estate school that becomes ineligible to renew a Certificate of Authority shall apply as an initial applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3014 (October 2011), amended LR 48:

§5319. Pre-License Instructors; Initial and Renewal Applications; Guest Lecturers

A. - H.2. ...

3. Delinquent applications for renewal of a pre-license instructor certificate shall not be accepted by the commission after December 31. Failure to renew during the prescribed delinquent period of October 1 through December 31 shall result in the forfeiture of renewal rights. Any pre-license instructor that becomes ineligible to renew shall be required to apply as an initial applicant.

I. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3015 (October 2011), amended LR 38:3171 (December 2012), LR 48:

Chapter 55. Real Estate Vendors; Post-Licensing and Continuing Education

§5505. Real Estate Vendor Certifications; Initial and Renewal Certificates

A. - E. ...

F. Applications for delinquent renewal of a vendor certification shall not be accepted by the commission after December 31. Failure to renew an expired vendor certification during the prescribed delinquent period of October 1 through December 31 shall result in the forfeiture of renewal rights. Any real estate vendor that becomes ineligible to renew a vendor certification shall apply as an initial applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3019 (October 2011), amended LR 48:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the April 20, 2022 *Louisiana Register*: The proposed rule has no known impact on family, formation, stability, or autonomy.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Provider Statement

The proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

Interested parties may submit written comments on the proposed regulations to Ryan Shaw, Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA 70809 or rshaw@lrec.gov, through May 6, 2022 at 4:30 p.m.

Public Hearing

If it becomes a necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held on May 26, 2022 at 10 a.m. at the office of the Louisiana Real Estate Appraisers Board, 9071 Interline Avenue, Baton Rouge, LA 70809.

Bruce Unangst
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Licensure, Franchise, Real Estate Schools and Vendors

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs or savings to state or local governmental units associated with the proposed rule changes other than a one-time minimal cost of publishing the rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated impact to revenue collections to state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs associated with the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Bruce Unangst
Executive Director
2207#019

Evan Brousseau
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Dentistry

Dental Hygienists
(LAC 46:XXXIII.702)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), notice is hereby given that the Department of Health, Board of Dentistry intends to promulgate LAC 46:XXXIII.702.

The Board of Dentistry is promulgating LAC 46:XXXIII.702 to allow dental hygienists with restrictions to perform dental hygiene in a licensed nursing home under general supervision.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Profession

Chapter 7. Dental Hygienists

§702. General Supervision in Nursing Homes

A. Notwithstanding the limits in §701 on dental hygienists working under general supervision, a dental hygienist may work under the general supervision of a dentist in a licensed nursing home, as defined by R.S. 40:2009.2, if:

1. the dental hygienist has at least five years of full-time practice of dental hygiene;
2. the dental hygienist is employed by a Louisiana licensed dentist;
3. the dental hygienist has taken six hours of continuing education on medical emergencies within the last two years or during the hygienist's last preceding licensure cycle; and
4. the dental hygienist has current CPR certification and complies with the established protocols for emergencies which the supervising dentist has established;

B. A dental hygienist who qualifies under the preceding section is entitled to be referred to as a public health dental hygienist, and will have no limit on the number of days the hygienists may work under general supervision in a licensed nursing home but must adhere to all of the other restrictions and requirements set forth in §701 except §701.F.5.

C. The limit of a dentist supervising no more than two dental hygienists under general supervision shall not apply to public health dental hygienists working at a licensed nursing home.

D. The limitation in §701 that a patient may not be seen twice consecutively under general supervision shall not apply to public health dental hygienists working at a licensed nursing home; however, the requirement that the supervising dentist has examined the patient of record not more than nine months prior to the date that the dental hygienist provides the dental hygiene services is still applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 48:

Family Impact Statement

There will be no family impact in regard to issues set forth in R.S. 49:972.

Poverty Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed rulemaking should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect of the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service

Public Comments

Interested persons may submit written comments on these proposed rule changes to Arthur Hickham, Jr., Executive Director, Louisiana State Board of Dentistry, P.O. Box 5256, Baton Rouge, Louisiana, 70821. Written comments must be submitted to and received by the Board within 20 days of the date of the publication of this notice. A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the Board within 20 days of the date of the publication of this notice.

Public Hearing

A request pursuant to R.S. 49:953 (A)(2) for oral presentation, argument, or public hearing must be in writing and received by the board within 20 days of the date of the publication of this notice.

Arthur Hickham, Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Dental Hygienists

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will result in a one-time SGR expenditure of \$500 in FY 23 for the LA State Board of Dentistry (LSBD) to publish the notice of intent and proposed rule revision in the Louisiana Register. The proposed rule change will not affect expenditures of local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule promulgation of §702 will directly affect dental hygienists as they will now be allowed to work under general supervision of a dentist in a licensed nursing home if:

1. The dental hygienist has at least five years of full-time practice of dental hygiene;
2. The dental hygienist is employed by a Louisiana licensed dentist;
3. The dental hygienist has taken six hours of continuing education on medical emergencies within the last two years or during the hygienist's last preceding licensure cycle; and
4. The dental hygienist has current CPR certification and complies with the established protocols for emergencies which the supervising dentist has established.

The board estimates this will impact roughly 15 dental hygienists across the state and will remain within the Board's current capacity to implement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule promulgation will affect dental hygienists and their scope of practice within nursing homes. An increase in their regulated duties may lead to higher labor demand in the long-term, however, any observable effect on competition or employment in the following few years would be indeterminate and likely negligible.

Arthur H. Hickham, Jr.
Executive Director
2207#028

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Pharmacy

Compounding (LAC 46:LIII.2535)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §2535 of its rules relative to standards for pharmacy compounding. The proposed rule changes in §2535 removes the reference to a specific edition of the United States Pharmacopeia-National Formulary thereby making the current edition applicable for pharmacy compounding.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIII. Pharmacists

Chapter 25. Prescriptions, Drugs, and Devices

§2535. General Standards

A. Compounding Practices. Compounded medications may be prepared using prescription medications, over-the-counter medications, chemicals, compounds, or other components.

1. A pharmacy shall have written procedures as necessary for the compounding of drug preparations to assure that the finished preparations have the identity, strength, quality, and purity they are represented to possess.

2. All compounding shall be accomplished utilizing accepted pharmacy techniques, practices, and equipment, and in compliance with the Federal Food, Drug and Cosmetic Act of 1938 (FDCA) as subsequently amended, the current edition of Title 21 of the Code of Federal Regulations (CFR), and all relevant chapters of the United States Pharmacopeia-National Formulary.

A.2.a - G.2.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 23:1316 (October 1997), LR 29:2105 (October 2003), effective January 1, 2004, LR 41:97 (January 2015), amended by the Department of Health, Board of Pharmacy, LR 42:891 (June 2016), LR 46:577 (April 2020), amended LR

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education or supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior or personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rules.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes do not establish less stringent compliance requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule changes do not establish less stringent schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will offer no consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule changes do not establish performance standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the

following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rules.

Public Hearing

A public hearing to solicit comments and testimony on the proposed rules is scheduled for 9:00 a.m. on Friday, August 26, 2022 at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Compounding**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$500 in FY 2023. There will be no additional expenditures or cost savings for LBP.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes remove the references to a specific edition of the United States Pharmacopeia-National Formulary (USP-NF). Since the current compounding standards are contained in the 2014 edition of the USP-NF, removing the reference to the 2014 edition in rule has no current impact on directly affected persons, small businesses, or non-governmental groups.

However, USP efforts to update the relevant chapters for compounding have been underway since 2019. USP does not have an anticipated date for publication of the proposed

revision but will provide advance notice of at least six months prior to the anticipated effective date of the proposed revision. The cost for a pharmacy to comply with any revised standards will vary by pharmacy and are indeterminable until finalized USP-NF standards are released.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Given the universal nature of the requirement, the proposed rule changes will have no effect on competition or employment.

M. Joseph Fontenot Jr.
Executive Director
2207#059

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Licensing Dependents of Healthcare Professionals
Relocating to Louisiana (LAC 46:LIII.508 and 906)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), and pursuant to the provisions of Act 279 of the 2021 Regular Session of the Legislature, the Louisiana Board of Pharmacy hereby gives notice of its intent to add new sections to two of its chapters of rules: §506.1 in Chapter 5 – Pharmacists and §904.1 in Chapter 9 – Pharmacy Technicians, to establish preferential licensing procedures for dependents of healthcare professionals relocating to Louisiana.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 5. Pharmacists

**§508. Preferential Licensing Procedures for
Dependents of Healthcare Professionals
Relocating to Louisiana**

A. Definitions

1. As used in this Section, the following terms shall have the meaning ascribed to them in this Subsection:

Dependent—any of the following who relocates to Louisiana with a healthcare professional:

- i. the healthcare professional’s spouse.
- ii. the healthcare professional’s unmarried child under the age of 21 years.

iii. the healthcare professional’s child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional.

iv. the healthcare professional’s child of any age who is disabled and financially dependent upon the healthcare professional.

Healthcare Professional—a person who provides healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed

clinical laboratory scientist; and further, has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

B. Upon receipt of an application for pharmacist licensure by a dependent of a healthcare professional, the board staff shall mark the application for priority processing and preserve that status until the license is issued, or in the alternative, the board gives notice to the applicant of its intent to deny the application and refuse to issue the license. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving a complete application.

C. In the event the applicant intends to practice pharmacy before the issuance of the pharmacist license, the board shall issue a special work permit to the applicant.

1. The special work permit shall identify the applicant and shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of that permit.

2. The special work permit shall expire 120 days after the date of issue and that permit shall not be renewable.

3. No applicant may practice pharmacy prior to the issuance of the special work permit or pharmacist license, or with an expired special work permit or expired pharmacist license.

4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1751.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 48:

Chapter 9. Pharmacy Technicians

§906. Preferential Licensing Procedures for Dependents of Healthcare Professionals Relocating to Louisiana

A. Definitions

1. As used in this Section, the following terms shall have the meaning ascribed to them in this Subsection:

Dependent—any of the following who relocates to Louisiana with a healthcare professional:

- i. the healthcare professional's spouse.
- ii. the healthcare professional's unmarried child under the age of 21 years.
- iii. the healthcare professional's child who is a student under the age of 24 years and who is financially dependent upon the healthcare professional.
- iv. the healthcare professional's child of any age who is disabled and financially dependent upon the healthcare professional.

Healthcare Professional—a person who provides healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist; and further, has relocated to and established his legal residence in Louisiana, holds a valid

license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana.

B. Upon receipt of an application for a pharmacy technician certificate by a dependent of a healthcare professional, the board staff shall mark the application for priority processing and preserve that status until the certificate is issued, or in the alternative, the board gives notice to the applicant of its intent to deny the application and refuse to issue the certificate. The board shall notify the applicant of its licensing decision within 30 calendar days after receiving a complete application.

C. In the event the applicant intends to practice pharmacy before the issuance of the pharmacy technician certificate, board shall issue a special work permit to the applicant.

1. The special work permit shall identify the applicant and shall indicate the authority for that person to practice pharmacy within the state of Louisiana as well as the dates of issue and expiration of that permit.

2. The special work permit shall expire 120 days after the date of issue and that permit shall not be renewable.

3. No applicant may practice pharmacy prior to the issuance of the special work permit or pharmacy technician certificate, or with an expired special work permit or expired pharmacy technician certificate.

4. The special work permit shall not be eligible for license transfer or reciprocity to any other jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1751.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 48:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rules will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rules will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rules will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rules may improve family earnings by facilitating employment in the licensed occupation sooner than currently possible.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rules will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rules will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rules.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rules may have a positive effect on household income by facilitating employment in the licensed occupation sooner than currently possible.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rules will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rules may have a positive effect on employment by facilitating employment in the licensed occupation sooner than currently possible.

4. The Effect on Taxes and Tax Credits. The proposed rules will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rules will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rules will have no effect on compliance or reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rules will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rules will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rules do not establish performance standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rules.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the

following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rules will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rules will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rules will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot, Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rules.

Public Hearing

A public hearing to solicit comments and testimony on the proposed rules is scheduled for 9:00 a.m. on Friday, August 26, 2022 at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.
Executive Director—Designate

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Licensing Dependents of Healthcare Professionals Relocating to Louisiana

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rules will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$2,000 in FY 2023. There will be no additional expenditures or cost savings for LBP. The overall impact of this rule on the Board's workload is indeterminable though likely negligible; the Board can absorb the anticipated 0-5 applicants who would qualify for priority processing with current capacity.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rules will not affect revenue collections of state or local governmental units. It is unknown if or how many additional applicants will be induced into applying as a result of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules would prioritize the application processing for certain dependents of healthcare professionals relocating to Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules may improve the ability of certain dependents of healthcare professionals relocating to Louisiana to qualify for employment opportunities sooner than currently possible. The estimates of which are indeterminable.

M. Joseph Fontenot Jr.
Executive Director
2207#062

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Nonresident Pharmacies (LAC 46:LIII.Chapter 23)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend several sections of its rules relative to nonresident pharmacies. Proposed changes in §§2301, 2305, 2309, 2311, 2317, and 2319 include the replacement of the term “out of state” with “nonresident” making it consistent with the chapter and section titles. The proposed change in §2303.A is meant to clarify the intent for a nonresident pharmacy to hold a current pharmacy permit in their resident state. The proposed change in §2303.B removes the plural form of word “state” to clarify the intent for the pharmacist to be licensed in the state in which the pharmacy permit is located. The proposed change in §2303.C removes the requirement for a nonresident pharmacy to designate a resident agent and a registered office in Louisiana which eliminates an unnecessary regulatory burden. The proposed change in §2305.B replaces the statutory reference used for the annual permit fee because the current fee has been moved to proposed rule. The proposed change in §2307.D modifies the responsibility on the pharmacist-in-charge from developing and maintaining policies to implementing policies and procedures which more accurately reflects current trends. The proposed changes in §2307.I extend the notification requirement regarding a change of pharmacist-in-charge on the nonresident pharmacy permit holder and on a newly appointed pharmacist-in-charge to match the requirement for resident pharmacies, from 10 days to 30 days. The proposed changes in §2307.J removes the requirement for notarization of the affidavit and also makes a correction to which record the document is filed.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 23. Nonresident Pharmacy

§2301. Purpose

A. Nonresident pharmacies shall comply with the provisions of this Chapter in order to be and remain permitted to operate in Louisiana as a nonresident pharmacy.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992) effective January 1, 1993, LR 29:2099 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, amended LR 48:

§2303. Nonresident Pharmacy Requirements

A. The nonresident pharmacy shall hold a current pharmacy permit in good standing in the state in which it is located.

B. Each pharmacist dispensing drugs into Louisiana shall be licensed as a pharmacist in good standing in the state where he practices.

C. Every nonresident pharmacy doing business in Louisiana by dispensing and delivering prescription drugs and devices to offenders in the custody of the Louisiana Department of Public Safety and Corrections or local law enforcement agency shall obtain and maintain a nonresident correctional center pharmacy permit, and further, shall comply with the provisions of Chapter 18 of this Part, with the single exception of the necessity for acquiring a separate correctional center pharmacy permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992) effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, LR 39:3074 (November 2013), amended by the Department of Health, Board of Pharmacy, LR 46:574 (April 2020), amended LR 48:

§2305. Nonresident Pharmacy Permit Requirements

A. The nonresident pharmacy shall apply for a permit and annual permit renewals on forms provided by the board. The board may require such information as reasonably necessary to carry out the provisions of R.S. 37:1232, including, without limitation, the name, address, and position of each officer and director of a corporation or of the owners, if the pharmacy is not a corporation.

B. The nonresident pharmacy shall pay an annual permit fee as defined by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992) effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 48:

§2307. Pharmacist-in-Charge

A. - C. ...

D. Policy and Procedure Manual. The pharmacist-in-charge shall be responsible for the implementation of policies and procedures regarding quality pharmacy services including drug control, distribution, patient compliance accountability, inspection, and record keeping.

E. - H. ...

I. Change of Pharmacist-in-Charge. Written notice to the board shall be required when the pharmacist-in-charge designation for a pharmacy has changed.

1. The permit holder shall notify the board within 30 days of the prior pharmacist-in-charge’s departure date. The

permit holder shall designate a new pharmacist-in-charge within 10 days of the departure of the prior pharmacist-in-charge.

2. The new pharmacist-in-charge shall afford the board written notice of his newly designated pharmacist-in-charge status within 30 days of the departure of the prior pharmacist-in-charge.

3. A pharmacist-in-charge who voluntarily leaves a pharmacy shall give written notice to the board and the owner of the permit at least 10 days prior to this voluntary departure, unless replaced in a shorter period of time.

J. Affidavit of Responsibility and Duties. The designated pharmacist-in-charge shall sign an affidavit on a form supplied by the board indicating his understanding and acceptance of the duties and responsibilities of a pharmacist-in-charge. This document shall be submitted to the board for inclusion in the pharmacist's record in the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), amended by the Department of Health, Board of Pharmacy, LR 43:50 (January 2017), amended LR 48:

§2309. Applicable Laws and Regulations

A. Louisiana pharmacy laws and regulations shall be applicable to regulate the practice of pharmacy for that portion of the nonresident pharmacy's Louisiana pharmacy practice or operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 48:

§2311. Inspection

A. The facilities and records of the nonresident pharmacy shall be subject to inspection by the board or its designated agent(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2101 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 48:

§2317. Nonresident Pharmacy Closure Procedures

A. Notice. Notice shall be afforded the board not less than 10 days prior to the anticipated closure date of a nonresident pharmacy. Said notice shall include the location of all transferred prescription files for Louisiana residents.

B. Permit. The nonresident pharmacy permit holder shall surrender the pharmacy permit to the board upon closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2101 (October 2003),

effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 48:

§2319. Jurisdiction

A. Nonresident pharmacies soliciting, receiving, and dispensing and delivering prescription drugs and devices, including controlled dangerous substances as defined in 21 USC §1, et seq. and 21 CFR 1 et seq., or their successors, and delivered to residents in Louisiana constitutes doing business in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992) effective January 1, 1993, LR 29:2101 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, LR 48:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes in §2307.I will provide additional time to the owner of the nonresident pharmacy permit to report a change in pharmacist-in-charge to the Board – from 10 days to 30 days.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule changes in §2307.I will provide additional time to the owner of the nonresident pharmacy permit to report a change in pharmacist-in-charge to the board, from 10 days to 30 days.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule changes will have no effect on standards.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule.

Public Hearing

A public hearing to solicit comments and testimony on the proposed rule changes is scheduled for 9 a.m. on Friday, August 26, 2022 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Nonresident Pharmacies

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$2,000 in FY 2023. There will be no additional expenditures or cost savings for LBP.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

These changes will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes replace the term “out-of-state” with “nonresident” and create parity between nonresident and resident pharmacies chapter requirements. The proposed rule could benefit nonresident pharmacy permit owners by removing the requirement to designate a resident agent and registered office in Louisiana thereby eliminating potential costs for doing so. Resident pharmacies had a similar requirement in the past, though this was removed.

The primary reason for the removal of the registered office and resident agent requirement is that existing regulation exceeds the authority of current law, which specifies a pharmacy “may” have a resident agent and registered office, while existing regulation states they “shall.”

The other proposed language changes have no costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

M. Joseph Fontenot Jr.
Executive Director
2207#063

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Pharmacy

Partial Fills of Controlled Dangerous Substance Prescriptions (LAC 46:LIII.2735 and 2747)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §§2735 and 2747 of its rules relative to prescriptions for controlled dangerous substances. The proposed change in §2735 require pharmacies dispensing prescriptions for controlled dangerous substances to use a dispensing information system capable of accurately recording partial fills and refills of such prescriptions. The proposed changes in §2747 require a pharmacist to dispense a partial fill of a prescription for a controlled dangerous substance when requested by the patient or prescriber, subject to the pharmacist's obligation relative to corresponding responsibility.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 27. Controlled Dangerous Substances

§2735. Continuing Records

A. ...

B. Records for Manufacturers, Distributors, Third-Party Logistics Providers, Dispensers, Researchers, Importers, and Exporters

1. - 2. ...

3. Record for Dispensers and Researchers

a. Each person authorized to dispense or conduct research with controlled substances shall maintain records with the same information required of manufacturers pursuant to this Section.

b. In addition, records shall be maintained of the number of units or volume of such finished form dispensed, including the name and address of the person to whom it was dispensed, the date of dispensing, the number of units or volume dispensed, and the written or typewritten name or initials of the individual who dispensed or administered the substance on behalf of the dispenser.

c. In addition to the requirements of this Paragraph, practitioners dispensing gamma-hydroxybutyric acid under a prescription shall also comply with federal law.

d. Pharmacies dispensing prescriptions for controlled substances shall use a dispensing information system capable of accurately recording partial fills and refills.

B.4. - F.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2142 (October 2008), amended by the Department of Health, Board of Pharmacy, LR 46:571 (April 2020), amended LR 48:

§2747. Dispensing Requirements

A. ...

B. Prescriptions for Controlled Substances Listed in Schedule II

1. - 4.c. iv ...

5. Partial Filling of Prescription

a. The partial filling of a prescription for a controlled substance listed in Schedule II is permissible with the following limitations:

i. ...

ii. When a partial fill is requested by the patient or the prescriber, the pharmacist shall dispense a quantity less than the total quantity prescribed. The total quantity dispensed in all partial fillings shall not exceed the total quantity prescribed. No partial filling may be dispensed more than 30 days after the date on which the prescription was written. The requirement for a pharmacist to comply with a patient or prescriber request to dispense a partial fill shall not supersede the pharmacist's obligation relative to corresponding responsibility as described in Subsection E of this Section.

5.b. - 8.b.iii. ...

C. Prescriptions for Controlled Substances Listed in Schedule III, IV, or V

1. - 4.c.v. ...

5. Partial Filling of Prescriptions. When requested by the patient or prescriber, the pharmacist shall dispense a partial fill of a controlled substance listed in Schedules III, IV or V, provided that:

a. the information required for a partial filling, and the manner in which it is recorded, is the same as that required for a refill;

b. the number of partial fillings is not limited; however, the total quantity dispensed in all partial fillings shall not exceed the total quantity authorized on the original prescription. The total quantity authorized may be calculated as the sum of:

i. the quantity prescribed, and

ii. the calculated amount of the quantity prescribed times the number of refills originally authorized by the prescriber;

c. no dispensing shall occur more than six months after the date on which the prescription for a controlled substance listed in Schedule III or IV was issued, or more than one year after the date on which the prescription for a controlled substance listed in Schedule V was issued; and

d. the requirement for a pharmacist to comply with a patient or prescriber request to dispense a partial fill shall not supersede the pharmacist's obligation relative to corresponding responsibility as described in Subsection E of this Section.

C.6. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2152 (October 2008), LR 41:685 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 46:577 (April 2020), LR 47:1645 (November 2021), amended LR 48:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education or supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior or personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rules.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes do not establish less stringent compliance requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for

Small Businesses. The proposed rule changes will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule changes do not establish performance standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rules.

Public Hearing

A public hearing to solicit comments and testimony on the proposed rules is scheduled for 9:00 a.m. on Friday, August 26, 2022 at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot, Jr.
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Partial Fills of Controlled
Dangerous Substance Prescriptions**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$1,000 in FY 2023. There will be no additional expenditures or cost savings for LBP.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes modify requirements for pharmacies with regard to partial fills and will affect patients requesting partial fills of prescriptions for controlled dangerous substances by allowing them to obtain a quantity less than that prescribed. The smaller quantity may cost less than the full quantity, would result in a smaller quantity of medication stored or held by the patient, and may result in a smaller quantity of leftover medication available for diversion or destruction.

The proposed rule changes will affect a small number of pharmacies whose dispensing information systems are not currently capable of accurately recording partial fills and refills of prescriptions for controlled dangerous substances. The exact number of pharmacies using outdated software incapable of recording partial fills are unknown though likely minimal given current prescribing standards of practice regarding controlled substances. Currently, pharmacies incapable of recording partial fills must refer the prescription to a separate pharmacy with that capacity or request the prescriber or patient to alter their request from partial to full.

Some pharmacies may see an increase in IT-related costs to adopt compliant software. Information communicated to the Board by pharmacists indicate the vendors of dispensing information software do not usually charge for upgrades to existing software when federal or state regulations require certain capabilities for dispensing information systems. By the Board's rough estimate, 5 percent of prescriptions filled within Louisiana are partial fills.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Given the universal nature of the requirement, the proposed rule changes will not affect competition or employment.

M. Joseph Fontenot Jr.
Executive Director
2207#060

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Transfer of Prescription Information (LAC 46:LIII.2523)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §2523

of its rules relative to the transfer of prescription information to accommodate the transfer of prescriptions in electronic form. The deletion of language in §2523(A)(1)(a)(i)((b)) removes the reference to the written prescription form thereby making it inclusive of electronic prescriptions. The change of language in §2523(A)(1)(b) replaces the requirement to reduce the transferred prescription information to written form with the word "record" to accommodate electronic prescriptions.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 25. Prescriptions, Drugs, and Devices

§2523. Transfer of Prescription Information

A. Prescription Transfer Requirements

1. Prescriptions for Controlled Dangerous Substances

a. The transfer of original prescription information for a controlled substance listed in Schedules III, IV, or V for the purpose of refill dispensing is permissible between pharmacies on a one-time basis only. However, pharmacies electronically sharing a real-time, on-line database may transfer up to the maximum refills permitted by law and the prescriber's authorization, whether or not the pharmacy from which the prescription is transferred is open for business. Transfers are subject to the following requirements:

i. The transfer is communicated directly between two licensed pharmacists and the transferring pharmacist records the following information:

(a) invalidation of the prescription;

(b) record on the invalidated prescription the name, address, and DEA registration of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information;

(c) record the date of the transfer and the name of the pharmacist transferring the information.

b. The pharmacist receiving the transferred prescription shall record the following:

A.1.b.i. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, amended LR 33:1133 (June 2007), LR 36:756 (April 2010), amended by the Department of Health, Board of Pharmacy, LR 48:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on compliance or reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational

Standards Required in the Proposed Rule. The proposed rule changes will have no effect on standards.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed rule changes.

Public Hearing

A public hearing to solicit comments and testimony on the proposed rule changes is scheduled for 9:00 a.m. on Friday, August 26, 2022 at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Transfer of Prescription Information

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$1,000 in FY 2023. There will be no additional expenditures or cost savings for LBP or other state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes have no costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The proposed change broadens the language of 'write' to 'record' to account for the electronic transfer of prescriptions. Existing regulation was drafted when only paper prescriptions existed and this rule allows electronic records to simplify recordkeeping requirements in the pharmacy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

M. Joseph Fontenot Jr.
Executive Director
2207#061

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Hospital Licensing Standards
Obstetrical and Newborn Services
(LAC 48:I.Chapter 95)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 95 as authorized by R.S. 36:254 and 40:2100 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated a Notice of Intent that proposed to amend the provisions governing the licensing of hospitals in order to update the standards for obstetrical and newborn services to reflect current requirements for staffing and levels of care units and to relocate the existing provisions of LAC 48:I.9511-9515 to LAC 48:I.9519-9523 (*Louisiana Register*, Volume 47, Number 12). As a result of comments received, the department determined that it was necessary to abandon the Notice of Intent published in the December 20, 2021 edition of the *Louisiana Register*.

The department now proposes to promulgate a revised Notice of Intent in order to amend the provisions governing the licensing of hospitals to update the requirements for obstetrical and newborn services and relocate the existing provisions of LAC 48:I.9511-9515 to LAC 48:I.9519-9523.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Subchapter S. Obstetrical and Newborn Services

(Optional)

§9505. General Provisions for Hospitals Licensed as of January 1, 2022

A. Sections 9509-9409 shall be effective immediately upon publication of these provisions for existing hospitals licensed as of July 1, 2022, and shall remain in effect through November 30, 2023. Such hospitals must be in

compliance with Sections 9511-9517 beginning December 1, 2023.

NOTE: Repealed.

1. The level of care of the neonatal intensive care unit (NICU) is not required to match or exceed the level of obstetrical care for each level of obstetrical service.

2. For facilities that change the level of care and services of the facility's NICU unit, either decreasing or increasing the level provided, the facility shall submit an attestation of this change to the department's Health Standards Section (HSS) in writing and on the appropriate state neonatal services Medicaid attestation form. Such notice shall be submitted to the HSS within 90 days of the facility's change in NICU level provided. For facilities that change the level of care and services of a facility's obstetrical unit, by either decreasing or increasing the level provided, the facility shall submit written notice of this change to HSS within 90 days of such change.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2427 (November 2003), amended LR 33:284 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:75 (January 2017), LR 46:1087 (August 2020), LR 48:

§9511. General Provisions for Hospitals Licensed After January 1, 2022, and for Existing Hospitals Beginning July 1, 2023

A. Sections 9511-9517 shall be effective immediately upon publication of these provisions for hospitals licensed after January 1, 2022.

1. Sections 9511-9517 shall be effective for existing hospitals (those licensed by or before January 1, 2022) beginning July 1, 2023.

B. The level of care of the neonatal ICU is not required to match or exceed the level of obstetrical care for each level of obstetrical service.

1. - 5. Repealed.

C. For facilities that change the level of care and services of the facility's NICU unit, either decreasing or increasing the level provided, the facility shall submit an attestation of this change to the department's HSS in writing and on the appropriate state neonatal services Medicaid attestation form. Such notice shall be submitted to the HSS within 90 days of the facility's change in NICU level provided. For facilities that change the level of care and services of a facility's obstetrical unit, by either decreasing or increasing the level provided, the facility shall submit written notice of this change to HSS within 90 days of such change.

D. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being physically present at all times specifies the person and/or equipment shall be on-site in the location 24 hours a day, 7 days a week.

E. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being readily available at all times specifies the person shall be available, as approved by hospital policy, 24 hours a day, 7 days a week.

F. Any transfer agreements shall be in writing and approved by the hospital medical staff and by each hospital's governing body. Transfer agreements shall be reviewed at least annually and revised as needed.

G. For those hospitals providing transports, the qualifications of the transport team shall be in writing, defined by hospital policy and approved by each hospital's governing body. Such qualifications shall be reviewed at least annually and revised as needed.

H. The hospital shall have data collection and retrieval capabilities in use, and shall cooperate and report the requested data to the appropriate supervisory agencies to review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2428 (November 2003), amended LR 33:286 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:78 (January 2017), LR 48:

§9513. Organization and Staffing

A. For purposes of this Subchapter, hospital privileges are such privileges that are unrestricted and approved by the medical staff committee and the governing body that allows the practitioner to perform all duties within their scope of practice and certification(s) at the hospital in which the privileges are granted and such duties are performed.

1. The requirements for privileges, such as active privileges, inpatient privileges or full privileges, shall be defined in hospital policy and approved by each hospital's governing body.

1.a. - 2.c. Repealed.

B. In accordance with R.S. 40:2109, a hospital located in a parish with a population of 250,000 people or less shall not be required to maintain personnel in-house with credentials to administer obstetric anesthesia on a 24-hour basis in order to qualify for Medicaid reimbursement for level III, neonatal or obstetric medical services, or as a prerequisite for licensure to provide such services. Personnel with such credentials may be required to be on staff and readily available on a 24-hour on-call basis and demonstrate ability to provide anesthesia services within 20 minutes.

1. - 3.a.ii Repealed.

NOTE: The provisions of §9513.B shall not apply to any hospital with level IIS, IIR or IV obstetrical and neonatal services.

C. For purposes of this Subchapter, the requirements for hospital staff and/or equipment as being physically present at all times means that the person and/or equipment shall be on-site in the location 24 hours a day, 7 days a week.

1. - 5.b. Repealed.

D. For purposes of this Subchapter, the requirements for hospital means that the person shall be available 24 hours a day, 7 days a week.

1. - 3.a.i. Repealed.

E. Any transfer agreements shall be in writing and approved by the hospital medical staff and by each hospital's governing body. Transfer agreements shall be reviewed at least annually and revised as needed.

1. - 2.b.Table. Repealed.

F. For those hospitals providing transports, the qualifications of the transport team shall be in writing, defined by hospital policy and approved by each hospital's governing body. Such qualifications shall be reviewed at least annually and revised as needed.

G. The hospital shall have data collection and retrieval capabilities in use, and shall cooperate and report the requested data to the appropriate supervisory agencies to review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2429 (November 2003), amended LR 33:286 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:78 (January 2017), LR 43:1979 (October 2017), LR 48:

§9515. Obstetrical Units

A. These requirements are applicable to those hospitals which provide obstetrical and neonatal services.

B. Levels of Care Units. These are five established obstetrical levels of care units:

1. obstetrical level I unit;
2. obstetrical level II unit;
3. obstetrical level III unit;
4. obstetrical level III regional unit; and
5. obstetrical level IV.

C. The guidance for these standards is based on *Obstetric Care Consensus: Levels of Maternal Care* published in August 2019. Each advanced level of care unit shall provide all services and meet the personnel requirements of the lower designated units, as applicable, i.e., a level IV unit shall meet the requirements of a level I, II, III and III regional unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2429 (November 2003), amended LR 33:288 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:82 (January 2017), LR 48:

§9517. Obstetrical Unit Functions

A. Obstetrical Level I Unit (Basic Care)

1. General Provisions

a. Care and supervision for low risk pregnancies greater or equal to 35 weeks gestation and postpartum patients who are generally healthy and do not have medical, surgical, or obstetrical conditions that present a significant risk of maternal morbidity or mortality, shall be provided.

b. Participation in the state perinatal quality collaborative, which is under the authority of the Louisiana Commission on Perinatal Care and Prevention of Infant Mortality, is required and defined as reporting national perinatal measures determined by the Louisiana Commission on Perinatal Care and Prevention of Infant Mortality.

c. There shall be a triage system present in policies and procedures for identification, stabilization and referral of high risk maternal and fetal conditions beyond the scope of care of a level I unit, including situations where an infant will require a higher level of care than what may be provided by the neonatal level of care of the facility.

d. Postpartum care facilities shall be available on-site.

e. There shall be capability to provide for resuscitation and stabilization of inborn neonates.

f. The hospital shall have a policy for infant security and an organized program to prevent infant abductions.

g. The hospital shall have a program in place to address the needs of the family, including parent-sibling-neonate visitation.

h. The hospital shall have a written transfer agreement with another hospital that has an approved appropriate higher level of care.

i. The hospital shall have the capability to screen, provide brief intervention and refer to treatment through consultation with appropriate personnel for behavioral health disorders, including depression, and substance use disorder.

j. Social services, pastoral care and bereavement services shall be provided as appropriate to meet the needs of the patient population served.

2. Personnel Requirements

a. Obstetrical services shall be under the medical direction of a qualified physician who is a member of the medical staff with obstetric privileges. The physician shall be board certified or board eligible in obstetrics/gynecology or family practice medicine. The physician has the responsibility of coordinating perinatal services with the pediatric chief of service.

b. The nursing staff shall be adequately trained and staffed to provide patient care at the appropriate level of service. Registered nurse to patient ratios may vary in accordance with patient needs.

c. The unit shall provide credentialed medical staff to ensure the capability to perform emergency cesarean delivery within a time interval that best incorporates maternal and fetal risks and benefits.

d. The maternal care providers, including midwives, family physicians or obstetricians, shall be readily available at all times.

e. Anesthesia, radiology, ultrasound, electronic fetal monitoring (along with personnel skilled in the use of these) and laboratory services shall be readily available at all times.

f. At least one credentialed physician or certified registered nurse midwife shall attend all deliveries, and at least one individual who is American Academy of Pediatrics (AAP) certified in neonatal resuscitation and capable of neonatal resuscitation shall attend all deliveries.

g. The nurse manager shall be a registered nurse (RN) with specific training and experience in obstetric care. The RN manager shall participate in the development of written policies, procedures for the obstetrical care areas, and coordinate staff education and budget preparation with the chief of service. The RN manager shall name qualified substitutes to fulfill duties during absences.

h. A facility shall have at least one individual with additional education in breastfeeding who is available for support, counseling and assessment of breastfeeding mothers.

i. A facility shall have ability to initiate education and quality improvement programs to maximize patient safety, and/or collaborate with higher-level facilities to do so.

3. Physical Plant

a. Laboring and postpartum patients shall not be placed in rooms with non-obstetrical patients.

b. Each room shall have at least one toilet and lavatory basin for the use of obstetrical patients.

c. The arrangement of the rooms and areas used for obstetrical patients shall be such as to minimize traffic of patients, visitors, and personnel from other departments and prevent traffic through the delivery room(s).

d. There shall be an isolation room provided with hand washing facilities for immediate segregation and isolation of a mother and/or baby with a known or suspected communicable disease.

e. For any new construction or major alteration of the obstetrical unit/suite, the hospital shall ensure that the OB unit has a cesarean delivery room (surgical operative room) to perform cesarean deliveries at all times.

4. Program Functions and Services

a. Laboratory and Blood Bank Services

i. There shall be protocols and capabilities for massive transfusion with process to obtain more blood and component therapy as needed, emergency release of blood products and management of multiple component therapy available on-site.

b. Medical Imaging Services

i. Ultrasound equipment shall be physically present at all times in the hospital and available during labor and delivery.

ii. Basic ultrasound imaging for maternal or fetal assessment including interpretation, shall be readily available at all times.

c. Obstetrical Services

i. Ensure the availability and interpretation of non-stress testing and electronic fetal monitoring.

ii. A trial of labor for patients with prior cesarean delivery may be attempted only if the necessary personnel to perform a cesarean delivery and perform maternal resuscitation are physically present. This personnel includes, all credentialed medical staff needed to perform an emergency cesarean delivery.

iii. The facility shall have written guidelines or protocols for various conditions that place the pregnant or postpartum patient at risk for morbidity and/or mortality, including promoting prevention, early identification, early diagnosis, therapy, stabilization, and transfer. The guidelines or protocols shall address at a minimum:

(a). massive hemorrhage and transfusion of the pregnant or postpartum patient in coordination with the blood bank, including management of unanticipated hemorrhage and/or coagulopathy;

(b). hypertensive disorders in pregnancy;

(c). sepsis and/or systemic infection in the pregnant or postpartum patient; and

(d). venous thromboembolism in the pregnant and postpartum patient, including assessment of risk factors, prevention, and early diagnosis and treatment.

B. Obstetrical Level II Unit (Specialty Care)

1. General Provisions

a. the role of an obstetrical level II unit is to provide care for pregnant and postpartum patients with medical, surgical and/or obstetrical conditions that present a moderate risk of maternal morbidity or mortality; and

b. women with high risk of morbidity or mortality or conditions that would result in the delivery of an infant

weighing less than 1,500 grams or less than 32 weeks gestation that will require a higher level of care than what may be provided by the neonatal level of care of the facility, shall be referred to an approved level III or above unit unless the attending physician has documented that the patient is unstable to transport safely. Written transfer agreements with approved obstetrical level III and above units for transfer of these patients shall exist for all obstetrical level II units.

2. Personnel Requirements

a. Obstetric Service Leadership

i. The physician obstetric leader shall be a board-certified obstetrician or a board eligible candidate for certification in obstetrics. This obstetrician has the responsibility of coordinating perinatal services with the neonatal healthcare provider in charge of the neonatal intensive care unit (NICU).

b. Personnel

i. A board-certified or board eligible OB-GYN physician shall be readily available at all times.

EXCEPTION: For those hospitals whose staff OB-GYN physician(s) do not meet the provisions of §9517.B.2.b.i, such physician(s) may be grandfathered as satisfying the requirement of §9517.B.2.b.i when the hospital has documented evidence that the OB-GYN physician(s) was granted clinical staff privileges by the hospital prior to the effective date of this Rule. This exception applies only to the physician at the licensed hospital location and shall not be transferrable.

ii. A licensed physician board-certified or board eligible in maternal fetal medicine (MFM) shall be readily available at all times for consultation on-site, by telephone or by telemedicine, as needed. Timing and need to be on-site or available by telemedicine shall be directed by the urgency of the clinical situation.

iii. Anesthesia services shall be readily available at all times to provide labor analgesia and surgical anesthesia. A board-certified anesthesiologist with specialized training or experience in obstetric anesthesia shall be readily available at all times for consultation.

iv. A board-certified radiologist and a board-certified clinical pathologist shall be readily available at all times. Internal or family medicine physician(s) and general surgeon(s) shall be readily available at all times for consultation to stabilize obstetric patients who have been admitted to the facility or transferred from other facilities.

v. There shall be a continuous availability of qualified RNs with the ability to stabilize and transfer high-risk women.

vi. A lactation consultant or counselor shall be on staff to assist breastfeeding mothers as needed.

vii. The lactation consultant or counselor shall be certified by a nationally recognized board on breastfeeding. If individuals with such certification are not on staff, services may be obtained from certified providers through the use of telehealth, subject to requirements of any licensing board(s).

3. Program Functions and Services

a. Medical Imaging Services

i. Computed tomography (CT) scan, magnetic resonance imaging (MRI), non-obstetric ultrasound imaging and maternal echocardiography with interpretation shall be readily available at all times.

ii. Specialized obstetric ultrasound and fetal assessment with interpretation shall be readily available at all times.

C. Obstetrical Level III Unit (Subspecialty Care)

1. General Provisions

a. This unit shall provide care for moderate to high-risk perinatal conditions. Women with such conditions requiring a medical team approach not available to the perinatologist in an obstetrical level III unit shall be transported to a higher-level unit.

b. The unit shall have written cooperative transfer agreements with approved higher level units for the transport of mothers and fetuses requiring care unavailable in an obstetrical level III unit or that are better coordinated at a higher level unit.

c. The hospital shall have advanced imaging services readily available at all times which shall include MRI and CT.

d. The hospital shall have medical and surgical ICUs to accept pregnant women and women in the postpartum period and, shall have qualified critical care providers readily available at all times to actively collaborate with MFM physicians.

e. Equipment and qualified personnel, adequate in number, shall be available on-site to ventilate and monitor women in labor and delivery until they can be safely transferred to the ICU.

f. This unit shall accept maternal transfers as deemed appropriate by the medical staff and governing body.

2. Personnel Requirements

a. Obstetric Leadership

i. The physician obstetric leader shall be a board-certified OB-GYN with active staff privileges in obstetrical care.

ii. A board-certified anesthesiologist with specialized training or experience in obstetric anesthesia shall be in charge of obstetric anesthesia services.

iii. The director of MFM services shall be a board-certified or board eligible MFM physician.

b. Personnel

i. This unit shall have a board-certified or board-eligible OB-GYN readily available at all times and available to be physically present within 20 minutes of request to be on-site.

ii. This unit shall have a board-certified or a board-eligible anesthesiologist qualified in the delivery of obstetric anesthesia services readily available at all times. Personnel with such credentials shall be required to be on staff and readily available on a 24-hour on-call basis, and demonstrate the ability to provide anesthesia services within 20 minutes.

iii. A board-certified or board-eligible MFM physician with inpatient privileges shall be readily available at all times, either on-site, by telephone or by telemedicine.

iv. A full complement of subspecialists, including subspecialists in critical care, general surgery, infectious disease, urology, hematology, cardiology, nephrology, neurology, gastroenterology, internal medicine, behavioral health, neonatology and pulmonology shall be readily available at all times for inpatient consultations.

v. Anesthesia services shall be physically present at all times, unless otherwise provided by R.S. 40:2109(B)(6).

vi. The delivery of safe and effective perinatal nursing care requires appropriately qualified registered nurses in adequate numbers to meet the nursing needs of each patient. The hospital shall develop, maintain and adhere to an acuity-based classification system based on nationally recognized staffing guidelines and shall have documentation of such.

vii. A nutritionist and a social worker shall be on staff and available for the care of these patients as needed.

D. Obstetrical Level III Regional Unit (Regional Transfer Unit).

1. General Provisions

a. This unit shall provide care for the most challenging of perinatal conditions. Women with such conditions requiring a medical team approach not available to the MFM physician in an obstetrical level III regional unit shall be transported to a level IV unit.

b. This unit shall have written cooperative transfer agreements with a level IV unit for the transport of mothers and fetuses requiring care that is unavailable in the level III regional unit or that is better coordinated at a level IV.

c. This unit shall accept maternal transfers as deemed appropriate by the medical staff and hospital governing body.

2. Personnel Requirements

a. This unit shall have a board-certified or board-eligible OB-GYN physically present at all times.

b. The director of MFM services for this unit shall be a board-certified MFM physician.

c. This unit shall have an anesthesiologist qualified in the delivery of obstetric anesthesia services physically present at all times.

E. Obstetrical Level IV Unit (Regional Subspecialty Perinatal Health Care Centers)

1. General Provisions

a. This unit shall provide on-site medical and surgical care of the most complex maternal conditions and critically ill pregnant women and fetuses throughout antepartum, intrapartum, and postpartum care.

2. Unit Requirements

a. This unit shall have perinatal system leadership, including facilitation of maternal referral and transport, outreach education for facilities and health care providers in the region and analysis and evaluation of regional data, including perinatal complications and outcomes and quality improvement.

3. Personnel

a. Obstetric Leadership

i. The physician obstetric leader for this unit shall be a board-certified MFM physician.

b. Personnel

i. This unit shall have a MFM care team with the expertise to assume responsibility for pregnant women and women in the postpartum period who are in critical condition or have complex medical conditions. This includes co-management of ICU-admitted obstetric patients. The MFM team members shall have full privileges and shall be available 24 hours per day for on-site consultation and

management. This team shall be led by a board-certified MFM physician.

ii. This unit shall have qualified subspecialists on staff, readily available at all times, to provide consultation and treatment as needed on-site in the care of critically ill pregnant women in the following areas:

- (a). cardiothoracic surgery and
- (b). neurosurgery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

§9519. Neonatal Intensive Care

[Formerly LAC 48:1.9511]

A. This §9519 is applicable to those hospitals which provide obstetrical and neonatal services.

B. Levels of Care. There are five established neonatal levels of care units:

- 1. neonatal level I unit;
- 2. neonatal level II unit;
- 3. level III NICU unit;
- 4. level III surgical NICU; and
- 5. level IV NICU unit.

C. Each advanced level of care unit shall provide all services and meet the personnel requirements of the lower designated units, as applicable, i.e., a level III surgical unit must meet the requirements of the level I, II, and III units.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

§9521. Neonatal Unit Functions

[Formerly LAC 48:1.9513]

A. Level I Neonatal Unit (Well Newborn Nursery)

1. General Provisions

a. This unit shall have the capability for resuscitation and stabilization of all inborn neonates in accordance with Neonatal Resuscitation Program (NRP) guidelines. The unit shall stabilize unexpectedly small or sick neonates before transfer to the appropriate advanced level of care.

b. The unit shall stabilize and provide care for infants born at 35 weeks or greater gestation and who remain physiologically stable. The requirements for maternal transport at lesser gestations for transfer to a higher level of care shall be determined by the medical staff and approved by the hospital governing body.

c. This unit shall have the capability to stabilize newborns born at less than 35 weeks gestational age for transfer to higher level of care.

d. This unit shall maintain consultation and written transfer agreements with an approved level II or III as appropriate.

e. This unit shall have a defined, secured nursery area with limited public access and/or secured rooming-in facilities with supervision of access.

f. Parent and/or sibling visitation/interaction with the neonate shall be provided.

2. Personnel Requirements

a. The unit's chief of service shall be a physician who is board-certified or board-eligible in pediatric or family practice medicine.

b. The nurse manager shall be a registered nurse with specific training and experience in neonatal care. The RN manager shall participate in the development of written policies and procedures for the neonatal care areas, and coordinate staff education and budget preparation with the chief of service. The RN manager shall name qualified substitutes to fulfill duties during absences.

c. Registered nurse to patient ratios may vary in accordance with patient needs. If couplet care or rooming-in is used, a registered nurse who is responsible for the mother shall coordinate and administer neonatal care. If direct assignment of the nurse is also made to the nursery to cover the newborn's care, there shall be double assignment (one nurse for the mother-neonate couplet and one for just the neonate if returned to the nursery). A registered nurse shall be available 24 hours a day, but only one may be necessary as most neonates will not be physically present in the nursery. Direct care of neonates in the nursery may be provided by ancillary personnel under the registered nurse's direct supervision. Adequate staff is needed to respond to acute and emergency situations.

B. Neonatal Level II Unit (Special Care Nursery)

1. General Provisions

a. This unit shall provide care for infants born at more than 32 weeks gestation and weighing more than 1,500 grams.

i. infants who have medical problems that are expected to resolve rapidly and are not anticipated to need emergent subspecialty services from a higher level NICU as determined by the attending medical staff.

b. This unit shall have the capability to provide mechanical ventilation and/or CPAP for a brief duration (less than 24 hours) for infants born at more than 32 weeks and weighing more than 1,500 grams.

c. Neonates requiring greater than 24 hours of continuous ventilator support shall be transferred to a higher-level neonatal intensive care facility.

d. This unit shall have the ability to stabilize infants born before 32 weeks gestation and/or weighing less than 1,500 grams until transfer to a higher level neonatal intensive care facility.

e. Neonates requiring transfer to a higher-level neonatal intensive care facility may be returned to a level II unit for convalescence.

2. Personnel Requirements

a. A board-certified neonatologist shall be the chief of service.

NOTE: This unit shall have continuously available medical staff defined as available 24 hours per day/7 days per week/365 days per year on call for consultation as defined by medical staff bylaws.

b. Registered nurse to patient ratios may vary in accordance with patient needs.

c. This unit shall have at least one full-time social worker to be available as needed to assist with the socioeconomic and psychosocial problems of high-risk mothers, sick neonates, and their families.

d. This unit shall have at least one occupational or physical therapist to be available as needed to assist with the care of the newborn.

e. This unit shall have at least one registered dietitian/nutritionist to be available as needed who can plan

diets as required to meet the special needs of mothers and high-risk neonates.

f. This unit shall have staff available 24 hours per day who have the demonstrated knowledge, skills, abilities and training to provide the care and services to infants in this unit, such as but not limited to:

- i. nurses;
- ii. respiratory therapists;
- iii. radiology technicians; and
- iv. laboratory technicians.

3. Equipment Requirements

a. This unit shall have hospital based equipment to provide care to infants available 24 hours per day, such as but not limited to:

- i. portable x-ray machine;
- ii. blood gas analyzer.

C. Level III NICU

1. General Provisions

a. There shall be a written neonatal transport agreement with an approved level III surgical unit or level IV unit.

b. This unit shall have either a neonatologist or a neonatal nurse practitioner or a neonatology fellow in-house 24 hours per day.

c. The staffing of this unit shall be based on patient acuity and consistent with the recommended staffing guidelines of the 2012 Seventh Edition of the *AAP Guidelines for Perinatal Care*. For medical sub-specialty requirements, refer to Table 1, Neonatal Medical Subspecialties and Transport Requirements.

NOTE: All provisions of level III NICUs are required of level IIIS and IV NICUs.

2. Personnel Requirements

a. The chief of service of a level III NICU shall be a board-certified neonatologist.

EXCEPTION: In 1995, those physicians in existing units who were designated as the chief of service of the unit and who were not neonatal or perinatal board-certified, were granted a waiver by written application to the Office of the Secretary, Department of Health. This waiver shall be maintained as it applies only to the hospital where that chief of service's position is held. The physician cannot relocate to another hospital nor can the hospital replace the chief of service for whom the exception was granted and retain the exception.

b. This unit shall have at least one full-time social worker available as needed who has experience with the socioeconomic and psychosocial problems of high-risk mothers and fetuses, sick neonates, and their families. For units with greater than 30 patients, the social worker staffing ratios shall be at least one social worker to 30 patients (additional social workers may be required in accordance with hospital staffing guidelines).

c. This unit shall have at least one occupational or physical therapist available as needed with neonatal expertise and at least one individual skilled in evaluation and management of neonatal feeding and swallowing disorders (e.g., speech-language pathologist).

d. This unit shall have at least one registered dietitian/nutritionist available as needed who has training or experience in perinatal nutrition and can plan diets that meet the special needs of high-risk mothers and neonates.

e. Delivery of safe and effective perinatal nursing care requires this unit to have qualified registered nurses in adequate numbers to meet the nursing needs of each patient.

To meet the nursing needs of this unit, hospitals shall develop and adhere to an acuity based classification system based on nationally recognized staffing guidelines and have documentation available on such guidelines.

f. This unit shall have the following support personnel immediately available as needed to be on-site in the hospital, including but not limited to:

i. licensed respiratory therapists or registered nurses with specialized training who can supervise the assisted ventilation of neonates with cardiopulmonary disease.

3. Equipment Requirements

a. This unit shall have the following support equipment, in sufficient number, immediately available as needed in the hospital that includes, but is not limited to:

i. advanced imaging with interpretation on an urgent basis (computed tomography, ultrasound (including cranial ultrasound), MRI, echocardiography and electroencephalography); and

ii. respiratory support that allows provision of continuous mechanical ventilation for infants less than 32 weeks gestation and weighing less than 1,500 grams.

4. Transport

a. It is optional for level III NICUs to provide transports. If the unit performs transports, the unit shall have a qualified transport team and provide for and coordinate neonatal transport with level I and level II units throughout the state.

b. Transport shall be in accordance with national standards as published by the American Academy of Pediatrics' section on neonatal and pediatric transport and in accordance with applicable Louisiana statutes.

5. Quality Improvement Collaborative

a. Facilities with level III NICUs and above shall participate in a quality improvement collaborative and a database selected by the Medicaid quality committee, neonatology sub-committee.

b. Proof of current participation by the facility will be available from the LDH website.

b. Neonatal Medical Subspecialties and Transport Requirements;

D. Level III Surgical NICU

1. General Provisions

a. This unit shall have a transport team and provide for and coordinate neonatal transport with level I, level II units and level III NICUs throughout the state as requested. Transport shall be in accordance with national standards as published by the American Academy of Pediatrics' section on neonatal and pediatric transport and in accordance with applicable Louisiana statutes.

NOTE: All provisions of level III NICUs are required of level IIS and IV NICUs.

2. Personnel Requirements

a. For medical sub-specialty requirements refer to Table 1—Neonatal Medical Subspecialties and Transport Requirements.

EXCEPTION: Those hospitals which do not have a member of the medical staff who is a board certified/eligible pediatric anesthesiologist but whose anesthesiologist has been granted staff privileges to perform pediatric anesthesiology, such physician(s) may be grandfathered as satisfying the requirement of §9521.2.a when the hospital has documented evidence that the anesthesiologist was granted clinical staff privileges by the hospital prior to the effective date of this Rule. This exception applies only to such physician at the licensed hospital location and is not transferrable.

3. Equipment Requirements

a. This unit shall have the following support equipment, in sufficient number, immediately available as needed in the hospital that includes, but is not limited to:

i. a full range of respiratory support that includes high frequency ventilation and inhaled nitric oxide.

E. Level IV NICU

1. General Provisions

a. This unit shall be located within an institution with the capability to provide surgical repair of complex conditions (e.g., congenital cardiac malformations that require cardiopulmonary bypass with or without extracorporeal membrane oxygenation).

2. Personnel Requirements

a. for medical sub-specialty requirements, refer to Table 1—Neonatal Medical Subspecialties and Transport Requirements;

NOTE: All provisions of level IIS NICUs are required of level IV NICUs.

Table 1—Neonatal Medical Subspecialties and Transport Requirements

Text denoted with asterisks (*) indicates physician shall be available in person on-site as needed by the facility. Each higher level NICU unit shall meet the requirements of each lower level NICU unit.

Level I (Well Nursery)	Level II	Level III	Level IIS	Level IV
Board Certified/Eligible Pediatric or Family Practice Physician	Board Certified/Eligible Pediatric or Family Practice Physician	Pediatric Cardiology ¹	Pediatric Surgery ⁴	Pediatric Surgery ⁴
	Board Certified Neonatologist	Ophthalmology ²	Pediatric Anesthesiology ⁵ §9513(2)a—See Exception	Pediatric Anesthesiology ⁵
	Social Worker		Neonatal Transport	Neonatal Transport
	Occupational Therapist	Social Worker Ratio 1:30	Ophthalmology ^{2*}	Ophthalmology ^{2*}
	Physical Therapist	OT or PT/neonatal expertise	Pediatric Cardiology*	Pediatric Cardiology*
	Respiratory Therapists	RD/training in perinatal nutrition	Pediatric Gastroenterology*	Pediatric Cardiothoracic Surgery*
	Registered dietician/nutritionist	RT/training in neonate ventilation	Pediatric Infectious Disease*	Pediatric Endocrinology*
	Laboratory Technicians	Neonatal feeding/swallowing-SLP/ST	Pediatric Nephrology*	Pediatric Gastroenterology*

Table 1—Neonatal Medical Subspecialties and Transport Requirements

Text denoted with asterisks (*) indicates physician shall be available in person on-site as needed by the facility. Each higher level NICU unit shall meet the requirements of each lower level NICU unit.

Level I (Well Nursery)	Level II	Level III	Level IIIS	Level IV
	Radiology Technicians		Pediatric Neurology ^{3*}	Pediatric Genetics*
			Pediatric Neurosurgery*	Pediatric Hematology-Oncology*
			Pediatric Orthopedic Surgery*	Pediatric Infectious Disease*
			Pediatric Otolaryngology ^{6*}	Pediatric Nephrology*
			Pediatric Pulmonology*	Pediatric Neurology ^{3*}
				Pediatric Neurosurgery
				Pediatric Orthopedic Surgery
				Pediatric Otolaryngology ^{7*}
				Pediatric Pulmonology*
				Pediatric Radiology*
				Pediatric Urologic Surgery*
			Transport note:	
¹ There shall be at least one board certified or board eligible pediatric cardiologist as a member of medical staff. For Level III facilities, staff using telemedicine shall be continuously available.			Transport shall be in accordance with national standards as published by the American Academy of Pediatrics' Section on neonatal and pediatric transport and in accordance with applicable Louisiana statutes.	
² There shall be at least one board certified or board eligible ophthalmologist with sufficient knowledge and experience in retinopathy or prematurity as a member of the medical staff. An organized program for monitoring retinotherapy of prematurity shall be readily available in Level III and for treatment and follow-up of these patients in Level IIIS and IV facilities.				
³ There shall be at least one board certified or board eligible pediatric neurologist as a member of medical staff.				
⁴ For pediatric surgery, the expectation is that there is a board certified or eligible pediatric surgeon who is continuously available to operate at that facility.				
⁵ There shall be at least one board certified or board eligible pediatric anesthesiologist as a member of the medical staff.				
⁶ Board eligible or certified in Otolaryngology; special interest in Pediatric Otolaryngology or completion of Pediatric Otolaryngology Fellowship.				
⁷ Board eligible or certified in Otolaryngology; completion of Pediatric Otolaryngology Fellowship.				
For specialties listed above staff shall be board eligible or board certified in their respective fields with the exception of otolaryngology as this field has not yet pursued certification.				

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

**§9523. Additional Support Requirements
[Formerly LAC 48:I.9515]**

A. A bioethics committee shall be available for consultation with care providers at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 25, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the

Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Hospital Licensing Standards
Obstetrical and Newborn Services**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$4,320 will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the licensing fees, in the same amounts, will continue to be collected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the licensing of hospitals in order to update the standards for obstetrical and newborn services to ensure that the administrative rule reflects current requirements for staffing and levels of care units. Additionally, the existing provisions of LAC 48:I.9511-9515 are being relocated to LAC 48:I.9519-9523. Facilities choosing to offer certain obstetric and newborn services may experience an increase in operational costs in FY 22-23, FY 23-24, and FY 24-25; however, there is no way to determine the number of hospitals that may be impacted nor estimate the potential costs to these providers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2207#021

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Uniform Construction Code Council**

Uniform Construction Code
(LAC 17:I.Chapter 1)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the

Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) hereby gives notice that it proposes to amend and adopt the following rule. The purpose of adopting and amending the currently adopted construction codes is to replace them with the more recent 2021 editions of the *International Building Code*, *International Residential Code*, *International Plumbing Code*, *International Existing Building Code*, *International Fuel Gas Code* and *International Mechanical Code* and the 2020 edition of the *National Electric Code*.

Title 17

CONSTRUCTION

Part I. Uniform Construction Code

Chapter 1. Adoption of the Louisiana State Uniform Construction Code

(Formerly LAC 55:VI.Chapter 3)

§101. Louisiana State Uniform Construction Code (Formerly LAC 55:VI.301.A)

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective January 1, 2023 the following is hereby adopted as an amendment to the *Louisiana State Uniform Construction Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018), repromulgated LR 45:912 (July 2019), amended LR 48:

§103. International Building Code

(Formerly LAC 55:VI.301.A.1)

A. *International Building Code* (IBC), 2021 Edition, not including Chapter 1, Administration, Chapter 11, Accessibility, Chapter 27, Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Furthermore, IBC shall be amended as follows and shall only apply to the *International Building Code*.

Amend	Chapter 2, Definitions.	Mini-Storage Facility- a self-service storage facility which rents or leases individual storage space to occupants for the storage and/or removal of personal property.
Amend	Table 509.1	
Adopt	Item (18)	Stationary storage battery systems having an energy capacity greater than the threshold quantity specified in 2021 IFC Table 1207.1.1, shall have a 2 HR Separation and/or Protection.
Amend	Section 903.2.1.2, Group A-2.	
Amend	Item (2.)	Item (2). The fire area has an occupant load of 300 or more.
Adopt	Item (4.)	Item (4). Open-air pavilions on three sides or more, not exceeding 12,000 square feet, shall not be required to comply with 903.2.1.2(1) and 903.2.1.2(2) where each side has unobstructed access to a public way (10'-0" wide by 10'-0" high). No fixed elements, equipment, seating, etc. are permitted within the 10'-0" by 10'-0" access.
Adopt	Exceptions	(a). The requirements of Sections 903.2.1.2(1) and 903.2.1.2(2) shall not apply to a single multi-purpose room less than 12,000 sf when all of the following conditions are met. (1.) The single multi-purpose room shall not be used for display or exhibition, bars or taverns. (2.) The single multi-purpose room shall not share exit access with other occupancies. Non-separated accessory uses that are incidental or ancillary to the single multi-purpose room shall be considered as part of the assembly occupancy. The accessory uses shall not be limited to 10 percent of the single multi-purpose room floor area and/or building, but shall be included and considered as part of the limited assembly room floor area. (3.) The single multi-purpose room shall not be part of a fire area containing other assembly occupancies. (4.) A single multi-purpose room with an occupant load greater than 300 persons shall be provided with a fire alarm system in accordance with Section 907.2.1. (5.) The single multi-purpose room with its accessory or ancillary uses shall be separated, when part of a multiple occupancy, in accordance with Table 508.4 and Section 707 from the remainder of the building. The single multi-purpose room fire area containing the single multi-purpose room and its accessory or ancillary uses shall be less than 12,000 sf. (6.) Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building.
Amend	Section 903.2.1.3, Group A-3.	
Adopt	Item (4.)	4. Open air pavilions on three sides or more, not exceeding 12,000 square feet, shall not be required to comply with Section 903.2.1.3(2) where each side has unobstructed access to a public way (10'-0" wide by 10'-0" high). No fixed elements, equipment, seating, etc. are permitted within the 10'-0" by 10'-0" access.

Adopt	Exceptions	<p>(a). The requirements of Sections 903.2.1.3(1) and 903.2.1.3(2) shall not apply to a single multi-purpose room less than 12,000 sf when all of the following conditions are met:</p> <p>(1.) The single multi-purpose room shall not be used for display or exhibition.</p> <p>(2.) The single multi-purpose room shall not share exit access with other occupancies. Non-separated accessory uses that are incidental or ancillary to the single multi-purpose room shall be considered as part of the assembly occupancy. The accessory uses shall not be limited to 10 percent of the single multi-purpose room floor area and/or building, but shall be included and considered as part of the limited assembly room floor area.</p> <p>(3.) The single multi-purpose room shall not be part of a fire area containing other assembly occupancies.</p> <p>(4.) A single multi-purpose room with an occupant load greater than 300 persons shall be provided with a fire alarm system in accordance with Section 907.2.1.</p> <p>(5.) The single multi-purpose room with its accessory or ancillary uses shall be separated, when part of a multiple occupancy, in accordance with Table 508.4 and Section 707 from the remainder of the building. The single multi-purpose room fire area containing the single multi-purpose room and its accessory or ancillary uses shall be less than 12,000 sf.</p> <p>(6.) Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building.</p>
Amend	Section 903.2.9.4, Group S-1.	
Amend	Exception	
Adopt	Item (2)	(2.) The requirement of Section 903.2.9.4 shall not apply to mini-storage facilities less than 12,000 sf. Mini-storage facilities, including mini-storage facilities which are climate-controlled, shall comply with 903.2.9(1) thru 903.2.9(4).
Amend	Section 903.2.8, Group R.	
Adopt	Exceptions	<p>(a). An automatic sprinkler system is not required when not more than two dwelling or sleeping units are attached to a commercial or non-residential occupancy where all of the following conditions exist:</p> <p>(1.) The dwelling or sleeping units shall be separated vertically and/or horizontally from the non-residential occupancy as well as each other by two-hour construction in accordance with Sections 707 and 711.</p> <p>(2.) Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building.</p> <p>(3.) Egress from the dwelling or sleeping units shall not pass through the non-residential occupancy.</p> <p>(4.) The building shall not exceed two stories.</p>
Adopt		<p>(b). An automatic sprinkler system is not required in Residential Group R-3, boarding houses (transient and nontransient) as defined by Section 310.5, where one of the following conditions exist:</p> <p>(1.) Every sleeping room has a door opening directly to the exterior at the street or finish grade.</p> <p>(2.) Every sleeping room has a door opening directly to the exterior which leads to an outside stair protected in accordance with Section 1027.</p>
Amend	Section 1010.2.4, Locks and Latches.	
Amend	Item (2.)	<p>Electric locking systems, including electromechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1 or I-2 occupancies where persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following:</p> <p>(a.) The door locks shall unlock on actuation of the automatic sprinkler system or automatic fire detection system.</p> <p>(b.) The door locks shall unlock on loss of power controlling the lock or lock mechanism.</p> <p>(c.) The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock.</p> <p>(d.) A means of manual mechanical unlocking must be provided at each door that is not in direct view of the remote release location required by Item c.</p> <p>(e.) The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the International Fire Code.</p> <p>(f.) All clinical staff shall have the keys, codes or other means necessary to operate the locking systems.</p> <p>(g.) Emergency lighting shall be provided at the door.</p> <p>(h.) The door locking system units shall be listed in accordance with UL 294.</p> <p>(i.) "Automatic" Re-Locking, after an emergency release as described above, shall be prohibited. A specific human action dedicated for re-locking doors must be provided at the remote control location or at each lock location.</p> <p>(j.) Document the "staff/patient ratio" for the occupants of the locked area to the authority having jurisdiction. The ratio shall be within state and federal licensing/certification guidelines. Please note that only "nurses" and "nurses' aides" assigned to the locked area shall be considered acceptable responsible staff in regard to this ratio documentation.</p> <p>(k.) Provide the reason for installing specialized security measures to the authority having jurisdiction.</p> <p>(l.) Documentation addressing each condition itemized above shall be provided to the authority having jurisdiction and shall include the signature of the building owner or the facility administrator.</p>
Amend	Item (3.)	<p>3. In buildings in occupancy Group A having an occupant load of 500 or less, Groups B and M, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:</p> <p>3.1. The locking device is readily distinguishable as locked.</p> <p>3.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED.</p>

		The sign shall be in letters 1 inch (25 mm) high on a contrasting background. 3.3. The use of the key-operated locking device is revocable by the building official for due cause.
Adopt	Item (3.4)	Doors remain unlocked when the building or space is occupied
Adopt	Item (3.5)	A key is immediately available to any occupant inside the building or space when it is locked.
Repeal	Item (8)	
Repeal	Item (8.1)	
Repeal	Item (8.2)	
Repeal	Item (8.3)	
Repeal	Item (8.4)	
Repeal	Item (8.5)	
Repeal	Item (8.6)	
Repeal	Exception	Where approved, in Group I occupancies, the installation of a sign is not required where care recipients who because of clinical needs require restraint or containment as part of the function of the treatment area.
Amend		(7.) Emergency lighting shall be provided on the egress side of the door. (8.) The delayed egress locking system units shall be listed in accordance with UL 294.
Amend	Section 1010.2.11, Door hardware release of electrically locked egress doors.	(a.) a. Doors in the required means of egress shall be permitted to be locked with an electromagnetic locking system where equipped with hardware and where installed and operated in accordance with all of the following: (1.) The hardware that is affixed to the door leaf has an obvious method of operation that is readily operated under all lighting conditions. (2.) The hardware is capable of being operated with one hand. (3.) Operation of the hardware directly interrupts the power to the electromagnetic lock and unlocks the door immediately. (4.) Loss of power to the locking system automatically unlocks the door. (5.) Where panic or fire exit hardware is required by Section 1010.1.10, operation of the panic or fire exit hardware also releases the electromagnetic lock. (6.) The locking system units shall be listed in accordance with UL 294.
Adopt	Item (5.)	(5.) The activation of manual fire alarm boxes that activate the fire alarm system shall not be required to unlock the doors.
Amend	Item (6.)	(6.) Activation of the building automatic sprinkler system or fire detection system, where provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire alarm system has been reset.
Amend	Item (7.)	(7.) The door locking system units shall be listed in accordance with UL 294.
Adopt	Item (8.)	(8.) Doors in buildings with an occupancy in Group A shall not be secured from the egress side during periods that the building is open to the general public.
Adopt	Item (9.)	(9.) Doors in buildings with an occupancy in Group R-3 or Group I-3 shall not be equipped with this locking system.
Adopt	Item (10.)	(10.) Doors serving any Group M occupancy shall be permitted to be equipped with this locking system in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907.
Adopt	Item (11.)	(11.) Emergency egress lighting shall be provided at the door.
Amend	Section 1010.2.12, Sensor Release of Electrically Locked Egress Doors.	
Adopt	Exception	The activation of manual fire alarm boxes that activate the building fire-protective signaling system shall not be required to unlock the door leaves.
Amend	Section 1010.2.13, Delayed Egress.	Delayed egress locking systems shall be permitted to be installed on doors serving the following occupancies in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907.
Amend	Item (3)	Group A, other than the main entrance/exit doors.
Amend	Section 1010.2.13.1, Delayed Egress Locking System.	
Amend	Item (5.)	The egress path from any point shall not pass through more than one delayed egress locking system.
Repeal	Exception	
Repeal	Item (1.)	
Repeal	Item (2.)	
Amend	Item (6.)	
Repeal	Exception	
Amend	Section 1020.2, Construction.	
Amend	Exception	
Adopt	Item (6.)	(6.) A fire-resistance rating is not required for corridors where the space or area served does not exceed the occupant load and common path of egress travel values, for each occupancy, listed in Table 1006.2.1. The travel distance to the exit from the space or area served shall not exceed the common path of travel.

Amend	Section 1020.6, Air Movement in Corridors.	Corridors that require protection under Table 1020.1—Corridor Fire-Resistance Rating, shall not serve as supply, return, exhaust, relief or ventilation air ducts.
Amend	Section 1027.6	
Amend	Exceptions	
Adopt	Item (5)	(4.) Exterior stairs or ramps which serve no more than one story above the level of exit discharge and constructed with non-combustible materials or constructed with fire retardant treated lumber, shall be allowed when the fire separation distance is between 5 and 10 feet measured from the exterior edge of the stairway or ramp.
Amend	Section 1031.2	
Amend	Exception	
Amend	Item (6)	(4.) In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
Repeal	Section 1207, Enhanced Classroom Acoustics.	
Amend	1507.1.2, Ice barriers.	An ice barrier shall be installed for asphalt shingles, <i>metal roof shingles</i> , mineral-surfaced roll roofing, slate and slate-type shingles, wood shingles, and wood shakes. The ice barrier shall consist of not less than two layers of <i>underlayment</i> cemented together, or a self-adhering polymer modified bitumen sheet shall be used in place of normal <i>underlayment</i> and extend from the lowest edges of all roof surfaces to a point not less than 24 inches (610 mm) inside the <i>exterior wall</i> line of the building.
Amend	1507.2.7, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.5.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.6.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.7.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.8.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.9.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.16.4, Ice barrier	Ice barriers shall comply with Section 1507.1.2
Amend	1507.17.4.2, Ice barrier	An ice barrier consisting of not fewer than two layers of <i>underlayment</i> cemented together or of a self-adhering polymer modified bitumen sheet shall be used instead of normal <i>underlayment</i> and extend from the lowest edges of all roof surfaces to a point not less than 24 inches (610 mm) inside the <i>exterior wall</i> line of the building.
Amend	Section 1603.1.5, Earthquake Design Data.	The following information related to seismic loads shall be shown, regardless of whether seismic loads govern the design of the lateral-force-resisting system of the building: a. seismic importance factor, I, and occupancy category; b. mapped spectral response accelerations, SS and S1; c. site class; d. spectral response coefficients, SDS and SD1; e. seismic design category; f. basic seismic-force-resisting system(s); g. design base shear; h. seismic response coefficient(s), CS; i. response modification factor(s), R; j. analysis procedure used;
Adopt	Exceptions	
Adopt	Item (1.)	(1.) Construction documents that are not required to be prepared by a registered design professional;
Adopt	Item (2.)	(2.) Construction documents for structures that are assigned to Seismic Design Category A.
Amend	Section 1609.2, Protection of Openings.	In wind-borne debris regions, glazing in buildings shall be impact resistant or protected with an impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E 1996 and ASTM E 1886 referenced herein as follows: a. Glazed openings located within 30 feet (9144 mm) of grade shall meet the requirements of the large missile test of ASTM E 1996. b. Glazed openings located more than 30 feet (9144 mm) above grade shall meet the provisions of the small missile test of ASTM E 1996.
Amend	Exceptions	
Amend	Item (1.)	(1.) Wood structural panels with a minimum thickness of 7/16 inch (11.1 mm) and maximum panel span of 8 feet (2438 mm) shall be permitted for opening protection in one- and two-story buildings classified as Risk Category 2. Panels shall be precut so that they shall be attached to the framing surrounding the opening containing the product with the glazed opening. Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided. Attachments shall be designed to resist the components and cladding loads determined in accordance with the provisions of ASCE 7, with corrosion-resistant attachment hardware provided and anchors permanently installed on the building. Attachment in accordance with Table 1609.1.2 with corrosion-resistant attachment hardware provided and anchors permanently installed on the building is permitted for buildings with a mean roof height of 45 feet (13 716 mm) or less where V_{asd} determined in accordance with Section 1609.3.1 does not exceed 140 mph (63 m/s).
Amend	Item (2.)	(2.) Glazing in Risk Category I buildings as defined in Section 1604.5, including greenhouses that are occupied for growing plants on a production or research basis, without public access shall be permitted to be unprotected.
Amend	Item (3.)	(3.) Glazing in Risk Category II, III or IV buildings located over 60 feet (18 288 mm) above the ground and over 30 feet (9144 mm) above aggregate surface roofs located within 1,500 feet (458 m) of the building shall be permitted to be unprotected.

Amend	Section 1612.4, Design and Construction.	
Repeal	Referenced ASCE 24-14, Freeboard.	Delete Referenced ASCE 24-14 Freeboard requirements and Table 1-1, Flood Design Class of Buildings and Structures.
Amend	Section 1613.1, Scope.	Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7-10. Figure 1613.5(1) shall be replaced with ASCE 7-10 Figure 22-1. Figure 1613.5(2) shall be replaced with ASCE 7-10 Figure 22-2.
Amend	Chapter 29	
Adopt	Chapter 29	All plumbing provisions located in this Chapter shall reference 2021 IPC with Louisiana Amendments.
Repeal	Section 3001.2, Emergency Elevator Communication Systems.	
Amend	Section 3113, Relocatable Buildings.	Relocatable Buildings constructed on or after January 1, 2007 Shall conform to the Louisiana Industrialized Building Act. Relocatable Buildings constructed prior to January 1, 2007 shall meet the requirements of Section 3113.3.
Amend	Section 3313.2, Supplemental Information.	Supplemental information specific to a relocatable building shall be submitted to the authority having jurisdiction. It shall, as a minimum, include the following:
Adopt	Item (1)	Each relocatable module constructed after January 1, 2007 shall conform with the Louisiana Industrialized Buildings Act and shall have a data plate that is permanently attached on or adjacent to the electrical panel, and shall include the following information: Occupancy group. Manufacturer's name and address. Date of manufacture. Serial number of module. Design wind speed. Special limitations if any.
Adopt	Exception:	Buildings without Data Plate shall meet requirements of Section 3113.3 and remaining requirements of this section.
Adopt	Item (2)	Foundation Design Documents.
Adopt	Item (3)	Site-built structure or appurtenance attached to the relocatable building.
Amend	3113.3, Buildings Built prior to January 1, 2007.	Relocatable buildings without a data plate shall be inspected and certified by one of the following methods:
Adopt	Item (1)	Inspection and acceptance by Local Building Official to meet the code requirements in place at time of construction.
Adopt	Item (2)	Inspection and acceptance by a third party inspector registered with LSUCCC to meet the code requirements in place at time of construction.
Adopt	Item (3)	Recertification and acceptance to current code and requirements of the Louisiana Industrialized Building Act.
Repeal	Section 3313, Fire Protection During Construction	
Repeal	Section 3314, Fire Watch During Construction	

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:75

(January 2018), repromulgated LR 45:912 (July 2019), amended LR 45:1786 (December 2019), amended LR 48:

§105. International Existing Building Code (Formerly LAC 55:VI.301.A.2)

A. *International Existing Building Code (IEBC)*, 2021 Edition, not including Chapter 1, Administration, and the standards referenced in that code for regulation of construction within this state

Repeal	Section 502.6, Enhanced Classroom Acoustics
Repeal	Section 503.16, Enhanced Classroom Acoustics
Repeal	Section 506.6, Enhanced Classroom Acoustics

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code

Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41: 2383 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), repromulgated LR 45:916 (July 2019), amended LR 48:

**§107. International Residential Code
(Formerly LAC 55:VI.301.A.3.a)**

A.1. *International Residential Code*, 2021 Edition, not including Parts I-Administrative, and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the *International Residential Code*, and extensive alterations. 2021 *International Residential Code*, Appendix AQ, Tiny Houses, with inspections on site and or in the manufacturing plant as required by the LSUCCC regulations. Appendix J, Existing Buildings and Structures, may be adopted and enforced only at the option of a parish, municipality, or regional planning commission.

Amend	Chapter 2, Definitions	
Adopt	Human Consumption	The use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.
Adopt	Accessory Dwelling Unit (ADU)	Is a structure, accessory to and incidental to that of the dwelling, and that is located on the same lot. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Accessory Dwelling units shall be designed and constructed in accordance with the Louisiana State Uniform Construction Code. This shall include plan review and inspection by a currently registered LSUCCC inspector.
Adopt	Lead Free	(a). in general:
Adopt		1. not containing more than 0.2 percent lead when used with respect to solder and flux; and;
Adopt		2. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures;
Adopt		B. calculation:
Adopt		1. the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: a. for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Clause a.ii above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.
Adopt	Section R302.1, Exterior Walls.	
Adopt	Exception	
Adopt	Item (1.)	(1.) On lots that are 50 feet or less in width and that contain a one or two family dwelling or townhouse that was in existence prior to October 1, 2005, the following are permitted for rebuilding: (a.) a projection 2 feet from the property line with a 1 hour minimum fire-resistance rating on the underside; (b.) a wall 3 feet or more from the property with a 0 hour minimum fire-resistance rating.
Amend	2021 IRC Section 313.1, Townhouse Automatic Sprinkler System. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature.	The council shall not adopt or enforce any part of the <i>International Residential Code</i> or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.
Amend	Exception	
	Item (1.)	(1.) If an owner voluntarily chooses to install an automatic residential fire sprinkler system, it shall be installed per Section R313.1.
Amend	2021 IRC Section 313.2, One- and Two-Family Dwellings Automatic Fire Systems. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature.	The council shall not adopt or enforce any part of the <i>International Residential Code</i> or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.
Amend	Exception	
	Item (1.)	(1.) If an owner voluntarily chooses to install an automatic residential fire sprinkler system, it shall be installed per Section R313.2.1, Design and Installation.
Amend	Section R315.2.1, New Construction.	
Adopt	Item (3)	The dwelling unit utilizes a permanent fuel fired appliance including a standby generator is installed outside. Carbon Monoxide alarms are to be installed inside of each separated sleeping room and one in the living area.
Amend	Section 315.2.2, Alterations repairs and additions.	

Adopt	Item (4)	When a permanent fuel fired appliance including a standby generator is installed outside. Carbon monoxide alarms are to be installed inside of each separate sleeping room and one in the living area.
Amend	Section R317.1	
Amend	Item (8)	
	Exception	
	Item (1)	Sawn lumber used in buildings located in a geographical region where experience has demonstrated that climatic conditions preclude the need to use naturally durable or preservative-treated wood where the structure is exposed to weather. "The committee felt the State of Louisiana did not have such a geographical region to preclude and the "experienced" was not well defined.
Amend	Section R322.2.1, Elevation Requirements.	
Amend		Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation or the design flood elevation.
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend		In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height of not less than the highest adjacent grade as the depth number specified in feet (mm) on the FIRM or not less than 2 feet if a depth number is not specified.
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend		Basement floor that are below grade on all sides shall be elevated to or above base flood elevation or the design flood elevation, whichever is higher.
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend	Section R322.3.2, Elevation requirements	
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend	Item (1.)	Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation or the design flood elevation, whichever is higher.
Amend	Section R506.2.3	A minimum 6 mil (0.006 inch) vapor retarder conforming to ASTM E1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where a base course does not exist.
Amend	Section 602.10 ,Wall Bracing	Where a building, or portion thereof, does not comply with the bracing requirements of this section, those portions shall be designed and constructed in accordance with Section 302.1. In Climate Zone 2A, one and two family dwellings shall be continuously sheathed with a minimum 7/16" wood structural panels (Table R602.10.4 CS-WSP), or it's structural equivalent as per an ICC-ESR and approved by the local building official.
Amend	Section 905.1.2, Ice Barriers.	An ice barrier shall be installed for asphalt shingles, metal roof shingles, mineral-surfaced roll roofing, slate and slate-type shingles, wood shingles and wood shakes. The ice barrier shall consist of not fewer than two layers of <i>underlayment</i> cemented together, or a self-adhering polymer-modified bitumen sheet shall be used in place of normal <i>underlayment</i> and extend from the lowest edges of all roof surfaces to a point not less than 24 inches (610 mm) inside the exterior wall line of the building. On roofs with slope equal to or greater than 8 units vertical in 12 units horizontal (67-percent slope), the ice barrier shall also be applied not less than 36 inches (914 mm) measured along the roof slope from the eave edge of the building.
Amend	Section R905.2.7, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.4.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.5.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.6.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.7.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section 905.8.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section 905.16.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section 905.17.3.1, Ice Barrier.	Ice barriers shall comply with Section R905.1.2.
Amend	Section R905.17.4, Ice Barrier.	An ice barrier that consists of not less than two layers of <i>underlayment</i> cemented together or of a self-adhering polymer-modified bitumen sheet shall be used in lieu of normal <i>underlayment</i> and extend from the lowest edges of all roof surfaces to a point not less than 24 inches (610 mm) inside the exterior wall line of the building.
Amend	Section R 1006.1, Exterior Air.	Factory-built or masonry fireplaces covered in this chapter shall be equipped with an exterior air supply to assure proper fuel combustion.
Substitute	Chapter 11, Energy Efficiency.	Substitute Chapter 11, Energy Efficiency of the 2009 IRC, in lieu of Chapter 11, Energy Efficiency of the 2021 IRC.
Adopt	Section N1101.9.1, Louisiana Insulation Certificate requirement.	A State of Louisiana Insulation Certificate shall be permanently posted in a utility area.

State of Louisiana Insulation Certificate
 Permanently attach this certificate in a utility area

Install Date
 Permit Number

Area Insulated	R-Value		Thickness in Inches	Cell Density Open or Close	Ignition Barrier
Attic under Sheathing		at			
Attic Ceiling		at			
Sloped Ceiling		at			
Walls		at			
Knee Walls		at			
Under First Floors		at			
Other		at			

Jobsite Address	
Contractor/License No.	
Insulation Contractor	
Installer/Applicator	
Manufacture Product Batch Number	

The Packet Contains

- One copy of packet to Home Owner
- Upload packet to permitting office

- Insulation Certificate
- Manufacturer's MSDS
- 3rd party Name and Performance Report
- Applicator's Manufacturer's Training Certificate.

Amend	Section N1102.2.1, Ceilings with attic spaces.	
Adopt	Exception	
	Item (1.)	(1.) When the thermal covering at the roof line creates an unvented attic: (a.) Proper sizing or modification of the HVAC system to the current code is required. (b.) Any insulation between the sealed, conditioned attic space and the living space must be removed. (c.) Exception: The space under appliances located in a sealed, conditioned attic may remain in place if sealed from the attic space. It is less than 10% of the total conditioned attic floor, and the appliances are approved for use in a sealed attic. (d.) There shall be no outside attic ventilation and all openings must be blocked with rigid material and are sealed, in accordance with the ICC IRC Chapter 8 "Roof-Ceiling Construction".
Amend	Section N1102.2.6, Floors.	Subfloor insulation shall provide or be installed in permanent contact with a rigid air barrier material. If the building is cooled with air conditioning subfloors in any vented crawl space shall be insulated with an airtight, class II vapor retarder insulation system (perm < 1.0).
Adopt	Exception	
Adopt	Item (1.)	(1.) Plastic Spray Foam cannot be applied to finish flooring where no subfloor exists.
Amend	Section N1102, Access Hatches and Doors.	Access doors from conditioned spaces to unconditioned spaces shall be weather-stripped and have a minimum insulation value of an R-4.
Amend	Section N1102, Air Sealing and Insulation.	The air tightness demonstration method of compliance is to be determined by the contractor, design professional or homeowner.
Amend	Section N1102.4.2.1, Testing Option.	Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. When the contractor, design professional or homeowner chooses the blower door testing option, blower door testing shall be performed by individuals certified to perform blower door tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written blower door test reports from these certified individuals to verify the minimum requirements of Section N1102.4.2.1 Testing Option are attained.
Amend	Section N1102.4.3, Fireplaces	New wood-burning fireplaces shall have outdoor combustion air.
Adopt	Section N1102.4.6, Rooms containing fuel-burning appliances.	Where open combustion air ducts provide combustion air to open combustion fuel burning appliances, the appliances and combustion air openings shall be located outside the thermal envelope or enclosed in a room, isolated from inside the thermal envelope. Such rooms shall be sealed and insulated in accordance with the envelope requirements of N1102.1 (different from R402.12) where the walls, floors, and ceilings shall meet not less than the basement wall R-value requirement. The door into the room shall be fully gasketed and any water lines and ducts in the room insulated in accordance with Section N1103 (different than Section 403). The combustion air duct shall be insulated where it passes through conditioned space to a minimum of R-6.

Adopt	Exceptions	
Adopt	Item (1.)	(1.) Direct vent appliances with both intake and exhaust pipes installed continuous to the outside.
Adopt	Item (2.)	(2.) Fireplaces and stoves complying with Section R1006 of the <i>International Residential Code</i> .
Amend	Section N1103.2.1, Insulation.	Supply and return ducts in attics shall be insulated to a minimum of R-6.
Amend	Section N1103.2.2, Sealing.	Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with section M1601.4. Duct leakage testing shall be performed by individuals certified to perform duct leakage tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written duct leakage test reports from these certified individuals to verify the minimum requirements of Section N1103.2.2, Sealing, are attained.
Adopt	Exception	
Adopt	(1.) HVAC Contractors	(1.) HVAC contractors, who are not certified to perform duct leakage tests, may perform the test with the responsible BCEO visually verifying test procedures and results on site.
Amend	Section N1103.2.2, Sealing	Joints and seams shall comply with section M1601.4. Duct tightness shall be verified by either for the following:
Amend	Post-Construction Test	Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft ² (9.29 m ²) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft ² (9.29 m ²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.
Amend	Rough-In Test	Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft ² (9.29 m ²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft ² (9.29 m ²) of conditioned floor area.
Amend	Exception	
Amend	Item (1.)	(1.) Duct tightness test is not required if the air handler and all ducts are located within conditioned space.
Adopt	Section N1103.5.1, Bathroom Exhaust.	Homes utilizing insulation to create an unvented attic shall have bath fans properly sized and installed according to manufacturing recommendations, shall be vented to the outside and shall be performance verified after installation.
Amend	Section N1103.8.3, Pool Covers.	Pool covers shall not be required to meet the energy efficiency requirements of this Section.
Amend	Section M1307.3.1, Protection from Impact.	Appliances shall not be installed in a location subject to automobile or truck damage except where protected by approved barriers.
Amend	Section M1402.1, General.	Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or UL/CSA 60335-2-40.
Amend	Section M1403.1, Heat Pumps.	Electric heat pumps shall be listed and labeled in accordance with UL 1995 or UL/CSA 60335-2-40.
Amend	Section M1412.1, Approval of Equipment.	Absorption systems shall be installed in accordance with the manufacturer's instructions. Absorption equipment shall comply with UL 1995 or UL/CSA 60335-2-40.
Amend	Section M1413.1, General.	Evaporative cooling equipment and appliances shall comply with UL 1995 or UL/CSA 60335-2-40 and shall be installed per items 1-5:
Amend	Section M1505.4.1, System Design.	The whole-house ventilation system shall consist of a combination of supply and exhaust fans, and associated ducts and controls. Local exhaust and supply fans are permitted to serve as such a system. Outdoor air ducts connected to the return side of an air handler shall be considered to provide supply ventilation.
Amend	Section M1505.4.2, System Controls.	The whole-house mechanical ventilation system shall be provided with controls that enable manual override and a method of air-flow adjustment.
Repeal	Section M1505.4.3, Mechanical Ventilation Rate.	
Amend	Section M1507.4, Minimum Required Local Exhaust.	Local exhaust systems shall be designed to have the capacity to exhaust the minimum air flow rate as follows:
Amend	Item (1.)	(1.) Kitchen: 100 cfm intermittent or 25 cfm continuous, a balanced ventilation system is required for continuous exhaust.
Amend	Item (2.)	(2.) Bathrooms: exhaust capacity of 50 cfm intermittent or 20 cfm continuous, a balanced ventilation system is required for continuous exhaust.
Amend	Section M2006.1, General.	Pool and spa heaters shall be installed in accordance with the manufacturer's installation instructions. Oil-fired pool heaters shall comply with UL 726. Electric pool and spa heaters shall comply with UL 1261. Pool and spa heat pump water heaters shall comply with UL 1995, UL/CSA 60335-2-40 or CSA C22.2 No. 236.
Amend	Section P2502.2	
Adopt	Exception	
Adopt	Repairs to Drainage System via Re-Route	In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be and sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.

Adopt	Section 2503.1, Drainage and Vent Testing.	An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.
Amend	Section P2503.4, Building sewer testing.	The testing of building and public sewer systems shall be performed by the installer using a 10' water head.
Amend	Section P2503.6, Testing of Shower Receptacles.	Testing of shower receptacles shall be the responsibility of the installer.
Amend	Section P2603.5, Freezing.	In localities having a winter design temperature of 32°F (0°C) or lower as shown in Table R301.2(1) of this code, a water pipe and/or sanitary traps shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 12 inches (305 mm) deep and not less than 6 inches (152 mm) below the frost line.
Amend	Section P2706.1, General.	For other than hub drains that receive only clear-water waste and standpipes, a removable strainer or basket shall cover the waste outlet of waste receptors. Waste receptors shall not be installed in concealed spaces. Waste receptors shall not be installed in plenums or interstitial spaces above ceilings and below floors. Waste receptors shall be accessible.
Amend	Section P2725, Nonliquid Saturated Treatment Systems.	
Amend	Section P2725.1	
Adopt	Exception	
Adopt	Item (1.)	(1). Compost toilets are prohibited.
Amend	Section P2804.6.1, Requirements for discharge pipe.	(5.) Discharge to the floor, a waste receptor, mop sinks or to the outdoors.
Amend	Section P2708.2, Shower Drain.	Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter.
Repeal	Section P2903.10, Hose bibb.	
Adopt	Section P2902.5.6, Connections to swimming pools.	The potable water supply to swimming pools shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.
Adopt	Section P2902.5.7, Connections to animal watering troughs, ornamental fountains, or other similar equipment.	The potable water supply to animal watering troughs, ornamental fountains, or other similar fixtures shall be protected against backflow by an air gap.
Amend	Section P2905	The developed length of hot or tempered water piping, from the source of hot water to the fixtures that require hot or tempered water, shall not exceed 100 feet (15 240 mm). Recirculating system piping and heat-traced piping shall be considered to be sources of hot or tempered water.
Repeal	Section P2905.1, Heated Water circulation systems and heat trace systems.	
Repeal	Section P2905.2	
Amend	Section P2906.2.1, Lead content of water supply pipe and fittings used for human consumption.	Water Piping Quality. All potable water pipes, fittings, valves, and fixtures used to provide water for human consumption shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free. i. Exception: The lead free requirement above shall not apply to: (a.) leaded joints necessary for the repair of existing cast iron pipes; (b.) fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or (c.) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.
Amend	Section P2906.6, Fittings.	Pipe fittings shall be approved for installation with the piping material installed and shall comply with the applicable standards listed in Table P2905.6. All pipe fittings used in water supply systems shall also comply with NSF 61. All copper, brass and stainless steel joints below a building slab shall be brazed and/or welded in accordance with the requirements of this code, as appropriate. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe below a building slab are prohibited.
Amend	Table P2906.6	

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic	ASTM D2468
Brass	ASTM F1974
Cast-iron	ASME B16.4; ASME B16.12
Chlorinated polyvinyl chloride (CPVC) plastic	ASSE 1061; ASTM D2846; ASTM F 437; ASTM F 438; ASTM F 439; CSA B137.6
Copper or copper alloy	ASSE 1061; ASME B16.15; ASME B 16.18; ASME B 16.22; AS ME B 16.26
Cross-linked polyethylene/aluminum high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Fittings for cross-linked polyethylene (PEX) plastic tubing	ASSE 1061; ASTM F 877; ASTM F 1807; ASTM F 1960; ASTM F 2080; ASTM F 2098; ASTM F 2159; ASTM F 2434; ASTM F 2735; CSA B 137.5
Gray iron and ductile iron	AWWAC110; AWWAC153
Malleable iron	ASME B16.3
Insert fittings for Polyethylene/aluminum/polyethylene (pE-AL-PE) and cross-linked polyethylene/aluminum/polyethylene (PEX-AL-PEX)	ASTM F 1974; ASTM F 1281; ASTM F 1282; CSA B137.9; CSA B137.10
Polyethylene (PE) plastic	CSA B137.1
Fittings for polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 1807; ASTM F2098; ASTM F 2159; ASTM F 2735
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B 137.11
Polyvinyl chloride (PVC) plastic	ASTM D 2464; ASTM D 2466; ASTM D 2467; CSA B 137.2; CSA B137.3
Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778
Stainless steel (Type 316/316L) pipe	ASTM A 312; ASTM A 778
Steel	ASME B 16.9; ASME B16.11; ASME B16.28

Adopt	Section P2914, Separation of Water Service from Contamination.	
Adopt	Section P2914.1, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems).	Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.
Adopt	Section P2914.2, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.	Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.
Adopt	Section P2914.3, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.	Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.

Adopt	Section P2914.4, Reclaimed Water Lines.	Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of Section 2906.4.1 for the protection of potable water lines.
Amend	Chapter 30, Sanitary Drainage.	
Amend	Section P3005.2.2, Building sewers.	Building sewers smaller than 8 inches (203 mm) shall have cleanouts located at intervals of not more than 100 feet (30 480 mm). Building sewers 8 inches (203 mm) and larger shall have a manhole located not more than 80 feet from the junction of the building drain and building sewer and at intervals of not more than 400 feet (122 m). The interval length shall be measured from the cleanout or manhole opening, along the developed length of the piping to the next drainage fitting providing access for cleaning, a manhole or the end of the building sewer.
Adopt	Section P3005.6, Underground Drainage Piping.	Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.
Amend	Section P3104.1, Connection.	Individual branch and circuit vents shall connect to a vent stack, stack vent or extend to the open air.
Repeal	Exception	Individual, branch and circuit vents shall be permitted to terminate at an air admittance valve in accordance with Section P3114.
Repeal	Item (1.)	(1.) Individual, branch and circuit vents shall be permitted to terminate at an air admittance valve in accordance with Section P3114.
Repeal	Section P3114, Air Admittance Valves.	
Repeal	Chapter 44-ANCE.	Association of the Electric Sector Av. Lázaro Cardenas No. 869 Col. Nueva Industrial Vallejo C.P. 07700 México D.F. NMX-J-521/2-40-ANCE—2014/ CAN/CSA-22.2 No. 60335-2-40—12/ UL 60335-2-40 Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Heat Pumps, Air-Conditioners and Dehumidifiers M1403.1, M1412.1, M1413.1
Amend	Chapter 44-CSA.	CSA Group 8501 East Pleasant Valley Road Cleveland, OH 44131-5516 CSA/ C22.2 No. 60335-2-40-2019 Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers M1402.1, M1403.1, M1412.1, M1413.1, M2006.1
Amend	Chapter 44-UL.	UL LLC 333 Pfingsten Road Northbrook, IL 60062 UL 60335-2-40-2019 Safety of Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers M1402.1, M1403.1, M1412.1, M1413.1, M2006.1

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the

Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2383 (November 2015), amended LR 42:1672 (October 2016), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), amended LR 44:2218 (December 2018), repromulgated LR 45:916 (July 2019), amended LR 45:1789 (December 2019), amended LR 48:

§109. International Mechanical Code (Formerly LAC 55:VI.301.A.4)

A. *International Mechanical Code* (IMC), 2021 Edition, and the standards referenced in that code for regulation of construction within this state.

Amend	Table 1103.1, Refrigerant Classification, Amount and OEL.	
Amend	Footnote:	
Amend	Item (C.)	The ASHRAE Standard 34 flammability classification for this refrigerant is A2L.
Amend	Section 1104.3.1, Air conditioning for human comfort.	High probability systems used for human comfort shall use Group A1 or A2L refrigerant. In other than industrial occupancies where the quantity in a single independent circuit does not exceed the amount in Table 1103.1, Group B1, B2 and B3 refrigerants shall not be used in high-probability systems for air conditioning for human comfort.
Amend	Section 1107.5, Pipe Fittings.	Refrigerant pipe fittings shall be approved for installation with the piping materials to be installed, and shall conform to one of more of the standards listed in Table 1107.5 or shall be approved for installation with the piping materials to be installed, and listed and labeled as complying with UL 109 . Additionally, all fittings listed and labled as complying with UL 109 shall be required to be based on the pipe or tube size as specified in the “Gas fittings, all types” column of UL 109, Table 7.1 “Pull Strength Test”. Refrigeration fittings not having male or female parts, shall be affixed according to allow for all performance testing specified in UL 109.
Amend	Section 1108.4, Aluminum tube.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be brazed, approved flare, or welded joints conforming to Section 1108.3.
Amend	Section 1108.5, Brass (copper alloy) pipe.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be brazed, threaded or welded joints conforming to Section 1108.3.
Amend	Section 1108.6, Copper pipe.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be brazed, threaded or welded joints conforming to Section 1108.3.
Amend	Section 1108.7, Copper tube.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be brazed or approved flare.
Amend	Section 1108.8, Steel pipe.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be threaded or welded joints conforming to Section 1108.3.
Amend	Section 1108.9, Steel Tube.	
Adopt	Exception	Joints for Group A2L refrigerant piping shall be approved flared or welded joints conforming to Section 1108.3.
Amend	Reference Standard UL 109-97	Tube Fittings for Flammable and Combustible Fluids, Refrigeration Service and Marine Use, 1107.5, Table 1101.2
Amend	Chapter 15- CSA.	CSA Group 8501 East Pleasant Valley Road Cleveland, OH 44131-5516 CSA/ C22.2 No. 60335-2-40-2019 Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers 908.1, 916.1, 918.1, 918.2, 1101.2
Amend	Chapter 15- UL.	UL LLC 333 Pfingsten Road Northbrook, IL 60062 UL 60335-2-40-2019 Safety of Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers 908.1, 916.1, 918.1, 918.2, 1101.2

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the

Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:81 (January 2018); repromulgated LR 45:918 (July 2019), LR 49

§111. The International Plumbing Code (Formerly LAC 55:VI.301.A.5)

A. The *International Plumbing Code*, 2021 Edition. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption (per R.S. 40:1730.28, eff. 1/1/16).

Amend	Chapter 1	
Amend	Section [A] 101.2, Scope.	The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the <i>International Fuel Gas Code</i> . Provisions in the appendices shall not apply unless specifically adopted.
Adopt	Item (a.)	(a.) Nothing in this Part or any provision adopted pursuant to this Part shall prohibit the Department of Health from the following:
Adopt	Item (1.)	(1.) Regulating stored water temperatures through enforcement of the <i>Sanitary Code</i> ;
Adopt	Item (2.)	(2.) Regulating medical gas and medical vacuum systems.
Amend	Exception	
Amend	Item (1.)	1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the <i>International Residential Code</i> .
Amend	Chapter 2, Definitions.	
Adopt	<i>Adult Day Care Center</i>	Any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of 10 or more people 18 years and older, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the person's home. <u>This definition would not include Applied Behavior Analyst occupancies.</u>
Adopt	<i>Applied Behavior Analyst</i>	An expert on the science of behavior and how it is applied to problems of individual and social significance, who works with people across the lifespan, with the goal to improve the lives of individuals and those who care for them.
Adopt	<i>Barometric Loop</i>	A fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage backflow.
Amend	<i>Building Drain</i>	That part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside and that extends 30 inches (762 mm) in developed length of pipe beyond the exterior walls of the building and conveys the drainage to the building sewer:
Repeal		Delete definition <i>Combined—Building Drain</i> —“See building drain, combined”.
Amend		<i>sanitary</i> —a building drain that conveys sewage only;
Amend		<i>storm</i> —a building drain that conveys storm water or other drainage, but not sewage
Amend	<i>Building Sewer</i>	That part of the drainage system that extends from the end of the building drain and conveys the discharge to a community sewerage system, commercial treatment facility, or individual sewerage system or other point of disposal:
Repeal		Delete definition <i>Combined Building Sewer</i> —“See <i>Building sewer, combined</i> ”.
Amend		1. <i>sanitary</i> —a building drain that conveys sewage only;
Amend		2. <i>storm</i> —a building drain that conveys storm water or other drainage, but not sewage.
Adopt	<i>By-Pass</i>	any system of piping or other arrangement whereby the water may be diverted around any part or portion of the water supply system including, but not limited to, around an installed backflow preventer
Adopt	<i>Child Day Care Center</i>	any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of seven or more children under the age of 18, not related to the care giver and supervision and guidance of seven or more children under the age of 18, not related to the care giver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven-day week in a place other than the children's home. A day care center that remains open for more than 20 hours in a continuous seven-day week, and in which no individual child remains for more than 24 hours in one continuous stay shall be known as a full-time day care center. This definition would not include Applied Behavior Analyst occupancies.
Adopt	<i>Commercial Treatment Facility</i>	any treatment facility which is required by the state health officer whenever the use of an individual sewerage system is unfeasible or not authorized.
Adopt	<i>Community Sewerage System</i>	any sewerage system which serves multiple connections and consists of a collection and/or pumping system/transport system and treatment facility.
Adopt	<i>Containment</i>	a method of backflow prevention which requires a backflow prevention device or method on the water service pipe to isolate the customer from the water main.
Adopt	<i>Continuous Water Pressure</i>	a condition when a backflow preventer is continuously subjected to the upstream water supply pressure for a period of 12 hours or more.
Adopt	<i>Day Care Centers</i>	includes adult and child day care centers.
Adopt	<i>Degree of Hazard</i>	an evaluation of the potential risk to public health if the public were to be exposed to contaminated water caused by an unprotected or inadequately protected cross connection.
Adopt	<i>Domestic Well</i>	a water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include human consumption, sanitary purposes, lawn and garden watering and caring for pets.
Adopt	<i>Dual Check Valve</i>	a device having two spring loaded, independently operated check valves without tightly closing shut-off valves and test cocks; generally employed immediately downstream of the water meter.
Adopt	<i>Fixture Isolation</i>	a method of backflow prevention in which a backflow preventer is located to protect the potable water of a water supply system against a cross connection at a fixture located within the structure or premises itself.
Adopt	<i>Grade (G)</i>	normally, this references the location of some object in relation to either the floor or ground level elevation.
Adopt	<i>Gravity Grease Interceptor</i>	plumbing appurtenances of not less than 125 gallons capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils, and grease from waste water discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes.
Adopt	<i>Human Consumption</i>	the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.
Adopt	<i>Individual Sewerage System</i>	any system of piping (excluding the building drain and building sewer), and/or collection and/or transport system which serves one or more connections, and/or pumping facility, and treatment facility, all located on the property where the sewage originates; and which utilizes the individual sewerage system technology which is set forth in LAC 51:XIII,Chapter 7, Subchapter B, or a commercial treatment facility which is specifically authorized for use by the state health officer.
Repeal		Delete definition <i>Individual Water Supply</i> —a water supply that serves one or more families, and that is not an approved public water supply.

Adopt	<i>Lead Free</i>	A. in general:
Adopt		1. not containing more than 0.2 percent lead when used with respect to solder and flux; and
Adopt		2. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures;
Adopt		B. calculation:
Adopt		1. the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:
Adopt		a. for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Clause a.ii above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.
Adopt	<i>Major Plumbing Renovation (water bottle filling station)</i>	A renovation to an existing school building means the replacement, repair, alteration, or upgrade of water systems or fixtures within an existing facility, which involves more than fifty percent of the fixtures in the facility, even if such renovation does not include any structural change to the facility. Such renovation shall not include repairs done as a result of damages from a natural disaster.
Adopt	<i>Master Meter</i>	a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered
Adopt	<i>Potable Water Supply</i>	a publicly owned or privately owned water supply system which purveys potable water.
Adopt	<i>Preschool</i>	any child less than five years of age
Adopt	<i>Private Water Supply</i>	a potable water supply that does not meet the criteria for a public water supply including, but not limited to a domestic well.
		Delete definition <i>Public Water Main</i> —a water supply pipe for public use controlled by public authority
Adopt	<i>Public Water Supply</i>	public water system.
Adopt	<i>Public Water System</i>	a particular type of water supply system intended to provide potable water to the public having at least 15 service connections or regularly serving an average of at least 25 individuals daily at least 60 days out of the year.
Adopt	<i>Putrescible Waste</i>	waste which is subject to spoilage, rot, or decomposition and may give rise to foul smelling, offensive odors and/or is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies. It includes wastes from the preparation and consumption of food, vegetable matter, and animal offal and carcasses
Adopt	<i>Residential Facility</i>	any place, facility, or home operated by any person who receives therein four or more people who are not related to such person for supervision, care, lodging and maintenance with or without transfer of custody. This shall include, but not be limited to group homes, community homes, maternity homes, juvenile detention centers, emergency shelters, halfway homes and schools for the mentally retarded.
Note	<i>Sanitary Sewage</i>	see <i>sewage</i>
Amend	<i>Sewer</i>	a pipe or other constructed conveyance which conveys sewage, rainwater, surface water, subsurface water, or similar liquid wastes:
Amend		1. <i>building sewer</i> —see “ <i>building sewer</i> ”;
Amend		2. <i>public sewer</i> —a common sewer directly controlled by a public authority or utilized by the public;
Amend		3. <i>sanitary sewer</i> —a sewer that carries sewage and excludes storm, surface and ground water;
Amend		4. <i>storm sewer</i> —a sewer that conveys rainwater, surface water, subsurface water and similar liquid wastes.
Adopt	<i>Sewerage System</i>	any system of piping (excluding the building drain and building sewer) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of sanitary sewage.
Adopt	<i>Water Bottle Filling Station</i>	A water dispenser, accessible to all people in compliance with the federal Americans with Disabilities Act of 1990 that dispenses clean drinking water directly into a bottle or other drinking container. A water bottle filling station shall be considered a drinking fountain for purposes of the International Plumbing Code, as incorporated within the State Uniform Construction Code.
Amend	<i>Water Main</i>	a water supply pipe or system of pipes installed and maintained by a city, township, county, public utility company or other public entity, on public property, in the street or in an approved dedicated easement of public or community use. This term shall also mean the principal artery (or arteries) used for the distribution of potable water to consumers by any water supplier including, but not limited to, those public water systems which are not owned by the public and which may not be on public property.
Adopt	<i>Water Supplier</i>	a person who owns or operates a water supply system including, but not limited to, a person who owns or operates a public water system.
Amend	<i>Water Supply System</i>	the water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premise. This term shall also mean the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it potable (if necessary) and then distributed (with or without charge) for human consumption or other use.
Repeal	<i>Well-Bored</i>	a well constructed by boring a hole in the ground with an auger and installing a casing.
Repeal	<i>Well-Drilled</i>	a well constructed by making a hole in the ground with a drilling machine of any type and installing a casing and screen.
Repeal	<i>Well-Driven</i>	a well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.
Repeal	<i>Well-Dug</i>	a well constructed by excavating a large-diameter shaft and installing a casing.
Amend	Chapter 3, General Regulations.	
Amend	Section 301.6.	
Amend	Exception	
Adopt	Item (2)	Sumps may drain to exterior of building, storm drain or other means when approved by the authority having jurisdiction.

Amend	Section 312.1, Required Tests.	The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The code official shall verify the test results. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. All plumbing system piping shall be tested with either water or by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.
Amend	Section 312.3, Drainage and Vent Test.	An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.
Amend	Section 312.5, Water Supply System Test.	Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than 1.5 times the working pressure of the system, but not less than 140 psi; or, for piping systems other than plastic, by an air test of not less than 50 psi (344 kPa). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 108.
Amend	Section 312.10 Installation, Inspection and Testing of Backflow Prevention Assemblies, Barometric Loops and Air Gaps.	Installation, inspection and testing shall comply with Sections 312.10.1 through 312.10.3.
Amend	Section 312.10.1, Inspections.	Annual inspections shall be made of all backflow prevention assemblies, barometric loops and air gaps to determine whether they are operable, properly installed and maintained, and meet testing/code requirements. Inspections of backflow prevention devices including barometric loops and air gaps used to protect high degree of hazard cross connections shall be documented in writing and the report provided to the owner of the backflow prevention device.
Amend	Section 312.10.2, Testing.	Reduced pressure principle, double-check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10.1, USC's FCCC and HR's "Manual of Cross-Connection Control", or UFL's TREEO's "Backflow Prevention—Theory and Practice". Any backflow preventer which is found to be defective shall be repaired. Test gauges shall comply with ASSE 1064.
Adopt	Section 312.10.3, Owner Responsibilities.	The owner of the backflow prevention assemblies shall comply with the following:
Adopt		1. It shall be the duty of the owner of the backflow prevention assembly to see that these tests are made in a timely manner in accord with the frequency of field testing specified in 312.10.2 of this code.
Adopt		2. The owner shall notify the building official, and/or water supplier (for those devices associated with containment) in advance when the tests are to be undertaken so that the building official and/or water supplier may witness the tests if so desired.
Adopt		3. Upon completion, the owner shall provide records of such tests, repairs, overhauls, or replacements to the building official or water supplier (for those devices associated with containment). In addition, all records shall be kept by the owner of the backflow prevention device or method for at least five years and, upon specific request, shall be made available to the building official or water supplier.
Adopt		4. All tests, repairs, overhauls or replacements shall be at the expense of the owner of the backflow preventer.
Amend	Chapter 4	
Amend	Section 403.1, Fixture Calculations.	
Amend	Table 403.1	
Amend	Footnote (f.)	The required number and type of plumbing fixtures for outdoor public swimming pools shall be in accordance with the following:
Adopt	Item (1.)	Facilities that have less than 7500 gross square feet (697 m ²) of water area available for bather access shall have not less than one water closet for males, one urinal for males, one lavatory for males, one shower for males, two water closets for females, one lavatory for females and one shower for females.
Adopt	Item (2)	Facilities that have 7500 gross square feet (697 m ²) or more of water area available for bather access shall have not less than 0.7 water closet for males, one urinal for males, 0.85 lavatory for males, one shower for males, two water closets for females, one lavatory for females and one shower for females for every 7500 square feet (697 m ²) or portion thereof. Where the result of the fixture calculation is a portion of a whole number, the result shall be rounded up to the nearest whole number.
Amend	Footnote (e.)	For business and mercantile classifications with an occupant load of 25 or fewer, service sinks shall not be required except for Day Care Centers and Food (consumable) establishments such as restaurants, bar/lounge etc.
Amend	Section 403.1.1.	
Amend	Exceptions	
Amend	Item (2.)	Where multiple-user facilities are designed to serve all genders, the minimum fixture count shall be calculated 100 percent, based on total occupant load. In such multiple-user facilities, each fixture type shall be in accordance with ICC A117.1 and each urinal that is provided shall be located in a room.
Adopt	Item (4)	Child day care occupancies shall not be required to have bathtubs or showers.
Amend	Section 403.2, Separate facilities.	
Amend	Exception	

Amend	Item (6.)	Separate facilities shall not be required where rooms, created by walls from floor to ceiling, with a solid door, having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets is provided in accordance with Section 405.3.4. Urinals shall be located in an area visually separated from the remainder of the facility or each urinal that is provided shall be located in a room.
Adopt	Item (7.)	Separate facilities shall not be required for existing tenant spaces under 1800 sq. ft. where the occupancy classification is either B or M.
Amend	Section 403.3.3, Location of Toilet Facilities in Occupancies other than Malls and Educational Buildings.	In occupancies other than covered and open mall buildings, and educational buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).
Amend	Exceptions	
Adopt	Item (3.)	In mini-storage facilities where the access is for outdoor use only a restroom is not required.
Adopt	Item (4.)	A single user toilet facility shall be installed in climate controlled mini-storage facilities and mini-storage facilities for outdoor use only which contain an onsite office.
Adopt	Section 403.3.7, Location of Toilet Facilities in Educational Buildings.	For primary schools, and other special types of institutions with classrooms, for children through 12 years of age, separate boys' and girls' toilet room doors shall not be further than 200 feet from any classroom doors. For secondary schools, and other special types of institutions with classrooms, for persons of secondary school age, separate boys' and girls' toilet room doors shall not be further than 400 feet from any classroom door. In multi-storied buildings, there shall be boys' and girls' toilet rooms on each floor, having the number of plumbing fixtures as specified in Table 403.1 of this code for the classroom population of that floor. When new educational buildings are added to an existing campus, the restroom facilities and drinking fountains located in the existing building(s) may be used to serve the occupants of the new educational building(s) only when all of the following provisions are met:
Adopt		1. covered walkways consisting of a roof designed to protect the students and faculty from precipitation having a minimum width of 6 feet and located above a slip-resistant concrete or other acceptable hard surfaces leading to and from the restrooms shall be provided whenever children or faculty have to walk outside to access the toilet room;
Adopt		2. the path of travel from the classroom door to the toilet room doors (boys' or girls') does not exceed the applicable distance specified in this Section; and
Adopt		3. the number of occupants of the new building does not cause an increase in the school population that would trigger the need for more fixtures per Table 403.1 (Minimum Number of Required Plumbing Fixtures).
Adopt	Section 403.6, Other Fixture Requirements for Licensed Pre-schools, Day Care Centers, and Residential Facilities.	Additional plumbing fixtures shall be provided in day care centers and residential facilities as required by this Section.
Amend	Section 403.6.1, Food Preparation.	The food preparation area in pre-schools, day cares, and residential facilities shall meet the following requirements. The food preparation, storage and handling where six or less individuals are cared for shall provide a two-compartment sink and an approved domestic type dishwasher. Where the number of individuals cared for is between 7 and 15, either a three-compartment sink, or an approved domestic or commercial type dishwashing machine and a two-compartment sink with hot and cold running water shall be provided. Where 16 or more individuals are cared for, a three-compartment sink must be provided. If a dishwasher is also utilized in these instances (16 or more individuals), it must be a commercial type and it shall be in addition to the required three-compartment sink. One laundry tray, service sink, or curbed cleaning facility with floor drain shall also be provided on the premises for cleaning of mops and mop water disposal.
Amend	Section 403.6.2, Caring for Children between 0 and 4 Years of Age.	In child day care facilities, a hand washing sink shall be in or adjacent to each diaper changing area. Training potties shall not be counted as toilets in determining the minimum fixture requirements of Table 403.1. Fixtures shall be size appropriate for the age of the children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.
Amend	Section 403.10.3.1, Minimum Number.	Plumbing fixtures shall be provided in the minimum number as shown in Table 403.1, based on the actual use of the building or space. Uses not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined by the International Building Code. Public schools shall refer to Section 410 for water bottle filling stations.
Amend	Section 410, Drinking Fountains.	
Amend	Section 410.2, Small occupancies.	Drinking fountains shall not be required for an occupant load of 25 or fewer.
Adopt	Section 410.3.3, Public Schools.	Any new school building and any existing school building that undergoes a major plumbing renovation shall include the following:
Adopt	Item (1.)	At least one water bottle filling station per two hundred people projected to occupy the school building.
Adopt	Item (2)	At least one water bottle filling station on each floor of the school building.
Adopt	Item (3)	At least one water bottle filling station located near all cafeterias, gymnasiums, outdoor recreation spaces, and other high-traffic areas
Adopt	Exceptions	
Adopt	Item (1)	A city, parish, or other local public school board may install more filling stations as deemed appropriate.
Adopt	Item (2)	Plans for an existing school building may include retrofitting existing drinking fountains into water bottle filling stations.
Amend	Section 410.4, Substitutions.	Where restaurants, daycare centers, bars, lounges, taverns occupancies provide drinking water in a container free of charge, drinking fountains shall not be required in those occupancies. In other occupancies where three or more drinking fountains are required, water dispensers shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains.

Adopt	Section 410.6, Minimum Required Separation from Contamination.	Drinking fountain fixtures shall provide a minimum requirement of 18 inches of separation from its water outlet (spigot) to any source of contamination. Combination sink/drinking fountain units shall provide a minimum of 18 inches between the drinking fountain water outlet (spigot) and the nearest outside rim of the sink bowl [or other source(s) of contamination].
Adopt	Exceptions	
Adopt		1. This 18 inch minimum separation may only be reduced by the use of a vertical shield made of a smooth, easily cleaned surface that is attached flush with the top surface of the unit and extends to a distance at least 18 inches in height above the drinking fountain water outlet (spigot) level.
Adopt		2. Prohibited Fixture. Combination sink/drinking fountain units which share the same sink bowl are prohibited except in individual prison cells.”
Amend	Section 413, Floor and Trench Drains.	
Adopt	Section 413.5, Miscellaneous Areas.	
Adopt		1. A floor drain shall be required in public toilet rooms, excluding hotel/motel guest rooms or patient rooms of a hospital or nursing home.
Adopt		2. A floor drain shall be required in the recess room for sterilizers in a medical facility.
Adopt		3. Floor drains are not permitted in general food storage areas, unless in accordance with Section 802.1.1 or 802.1.2 of this code.
Amend	Section 421.3, Shower Waste Outlet.	Waste outlets serving showers shall be not less than 2 inches (50.8 mm) in diameter and, for other than waster outlets in bathtubs, shall have removable strainers not less than 3 inches (76 mm) in diameter with strainer openings not less than 1/4 inch (6.4 mm) in least dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.
Adopt	Section 421.4, Handwash Sinks.	
Adopt		1. Dedicated handwash sinks shall be located to permit convenient use by all employees in food processing, food preparation, and other food handling areas.
Adopt		2. Each commercial body art (tattoo) facility shall provide a hand washing sink to be used solely for hand washing in body art procedure area for the exclusive use of the operator. A separate instrument sink shall also be provided for the sole purpose of cleaning instruments and equipment prior to sterilization.
Adopt		3. A hand washing sink may not be used for purposes other than hand washing.
Adopt		4. Sinks used for food preparation or for washing and sanitizing of equipment and utensils shall not be used for hand washing.
Adopt	Section 421.5, Manual Warewashing, Sink Requirements.	A sink with at least three compartments constructed of smooth, impervious non-corrosive material such as stainless steel or high density food grade polymer plastic shall be provided in slaughter rooms, packing rooms, retail food establishments, and other food handling areas for manual washing, rinsing and sanitizing equipment and utensils except where there are no utensils or equipment to wash, rinse and sanitize; i.e., such as in a facility with only prepackaged foods.
Adopt	Section 422.11, Handwashing Facilities.	Medical facilities, including doctor’s office and clinics, shall be provided with hand washing facilities within each patient examination and treatment room. The hand wash facility shall be provided with hot and cold water delivered via a mixing faucet.
Amend	Exception	1. In healthcare setting such as doctor's offices and clinics where there is no reasonably anticipated exposure to blood or other potentially infectious materials (OPIM), where hands are not expected to be visibly soiled and clinical situations described in items 1C-J (IA) (74,93,166,169,283,294,312,398) are followed, use of an alcohol-based hand rub for routinely decontaminating hands shall be allowed in lieu of handwashing facilities. The design professional shall provide documentation to the building official specifying the anticipated exposure.
Amend	Chapter 5, Water Heaters.	
Amend	Section 504.6	5. Discharge to the floor, to a waste receptor, mop sinks or to the outdoors
Amend	Section 504.7.1, Pan Size and Drain.	The drain pan shall be a minimum of 2-inches (2”) (50.8 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 1-inch (25.4 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.
Amend	Chapter 6	
Amend	Chapter 6, Water Supply and Distribution.	
Amend	Section 602.3, Individual Water Supply.	Where a potable public water supply is not available, a private water supply meeting the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) shall be utilized.
Repeal		1. Delete and remove Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1.
Adopt	Section 603.3, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems).	Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.

Adopt	Section 603.4, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.	Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.
Adopt	Section 603.5, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.	Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.
Adopt	603.6, Reclaimed Water Lines.	Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of this Section for the protection of potable water lines.
Amend	Section 605.2.1, Lead Content of Water Supply Pipe and Fittings used for Human Consumption.	Water Piping Quality. All potable water pipes, fittings, valves, and fixtures used to provide water for human consumption shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.
Adopt	Exceptions	The lead-free requirement above shall not apply to:
Adopt		1. leaded joints necessary for the repair of existing cast iron pipes;
Adopt		2. fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or
Adopt		3. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.
Amend	Section 605.3, Water Service Pipe with Corresponding Table 605.3.	Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3. Water service pipe or tubing, installed underground and outside of the structure, shall have a working pressure rating of not less than 160 psi (1100 kPa) at 73.4 degrees F (23 degrees C). Where the water pressure exceeds 160 psi (1100 kPa) piping material shall have a working pressure rating not less than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. All ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104/A21.4.
Amend	Table 605.3—Water Service Pipe.	

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D 1527; ASTM D 2282
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 43 ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M and WM copper is prohibited.)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic pipe and tubing	ASTM F 876; ASTM F 877; AWWA C904; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron water pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene (PE) plastic pipe	ASTM D 2239; ASTM D 3035; AWWA C901; CSA B137.1
Polyethylene (PE) plastic tubing	ASTM D 2737; AWWA C901; CSA B137.1
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe	ASTM F 1282; CSA B137.9
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11

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Amend	Section 605.3.1, Dual Check-Valve-Type Backflow Preventer.	Dual check-valve backflow preventers installed on the water supply system shall comply with ASSE 1024 or CSA B64.6. These devices, which are commonly installed immediately downstream of water meters by water suppliers, are not approved backflow prevention devices and are only allowed to be installed when no cross connections exist downstream of the device or when all downstream cross connections are properly protected by approved backflow prevention devices, assemblies, or methods in accordance with Section 608 of this code.																														
Amend	Table 605.4, Water Distribution Pipe.																															
		<table border="1"> <thead> <tr> <th>Material</th> <th>Standard</th> </tr> </thead> <tbody> <tr> <td>Brass pipe</td> <td>ASTM B 43</td> </tr> <tr> <td>Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing</td> <td>ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6</td> </tr> <tr> <td>Copper or copper-alloy pipe</td> <td>ASTM B 42; ASTM B 43 ASTM B 302</td> </tr> <tr> <td>Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M and WM copper is prohibited.)</td> <td>ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447</td> </tr> <tr> <td>Cross-linked polyethylene (PEX) plastic tubing</td> <td>ASTM F 876; ASTM F 877; CSA B137.5</td> </tr> <tr> <td>Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe</td> <td>ASTM F 1281; ASTM F 2262; CSA B137.10M</td> </tr> <tr> <td>Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)</td> <td>ASTM F 1986</td> </tr> <tr> <td>Ductile iron pipe</td> <td>AWWA C151/A21.51; AWWA C115/A21.15</td> </tr> <tr> <td>Galvanized steel pipe</td> <td>ASTM A 53</td> </tr> <tr> <td>Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe</td> <td>ASTM F 1282</td> </tr> <tr> <td>Polyethylene of raised temperature (PE-RT) plastic tubing</td> <td>ASTM F 2769</td> </tr> <tr> <td>Polypropylene (PP) plastic pipe or tubing</td> <td>ASTM F 2389; CSA B137.11</td> </tr> <tr> <td>Stainless steel pipe (Type 304/304L)</td> <td>ASTM A 312; ASTM A 778</td> </tr> <tr> <td>Stainless steel pipe (Type 316/316L)</td> <td>ASTM A 312; ASTM A 778</td> </tr> </tbody> </table>	Material	Standard	Brass pipe	ASTM B 43	Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6	Copper or copper-alloy pipe	ASTM B 42; ASTM B 43 ASTM B 302	Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M and WM copper is prohibited.)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447	Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5	Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M	Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986	Ductile iron pipe	AWWA C151/A21.51; AWWA C115/A21.15	Galvanized steel pipe	ASTM A 53	Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe	ASTM F 1282	Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769	Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11	Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778	Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778
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Amend	Section 605.5, Fittings.	Pipe fittings shall be approved for installation with the piping material installed and shall comply with the applicable standards listed in Table 605.5. Pipe fittings utilized in water supply systems shall also comply with NSF 61. Ductile and gray iron pipe fittings shall be cement mortar lined in accordance with AWWA C104/A21.4. All copper, brass and stainless steel joints below a building slab shall be brazed and/or welded in accordance with the requirements of this code, as appropriate. With the exception of heat fused polypropylene, all other joints and fittings for plastic pipe below a building slab are prohibited																														

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic	ASTM D2468
Brass	ASTM F1974
Cast-iron	ASME B16.4; ASME B16.12
Chlorinated polyvinyl chloride (CPVC) plastic	ASSE 1061; ASTM D2846; ASTM F 437; ASTM F 438; ASTM F 439; CSA B137.6
Copper or copper alloy	ASSE 1061; ASME B16.15; ASME B 16.18; ASME B 16.22; ASME B 16.26
Cross-linked polyethylene/aluminum high-density polyethylene (PEX-AL-HDPE)	ASTM F3226
Fittings for cross-linked polyethylene (PEX) plastic tubing	ASTM F 1986
	ASSE 1061; ASTM F 877; ASTM F 1807; ASTM F 1960; ASTM F 2080; ASTM F 2098; ASTM F 2159; ASTM F 2434; ASTM F 2735; CSA B 137.5
Gray iron and ductile iron	AWWAC110; AWWAC153
Malleable iron	ASME B16.3
Insert fittings for Polyethylene/aluminum/polyethylene (pE-AL-PE) and cross-linked polyethylene/aluminum/polyethylene (PEX-AL-PEX)	ASTM F 1974; ASTM F 1281; ASTM F 1282; CSA B137.9; CSA B137.10
Polyethylene (PE) plastic	CSA B137.1
Fittings for polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 1807; ASTM F2098; ASTM F 2159; ASTM F 2735
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B 137.11
Polyvinyl chloride (PVC) plastic	ASTM D 2464; ASTM D 2466; ASTM D 2467; CSA B 137.2; CSA B137.3
Stainless steel (Type 304/304L) pipe	ASTM A 312; ASTM A 778
Stainless steel (Type 316/316L) pipe	ASTM A 312; ASTM A 778
Steel	ASME B 16.9; ASME B16.11; ASME B16.28

Amend	Section 605.13.7, Push-fit joints	Push-fit joints shall conform to ASSE 1061, shall be installed in accordance with the manufacturer's instructions and shall be of the permanent non-removable type.
Amend	Section 605.14.4, Push-fit joints.	Push-fit joints shall conform to ASSE 1061, shall be installed in accordance with the manufacturer's instructions and shall be of the permanent non-removable type.
Amend	Section 605.16.3, Push-fit joints.	Push-fit joints shall conform to ASSE 1061, shall be installed in accordance with the manufacturer's instructions and shall be of the permanent non-removable type.
Amend	Section 606.5.5, Low-Pressure Cutoff Required on Booster Pumps.	A low-pressure cutoff shall be installed on all booster pumps in a water pressure booster system to prevent creation of a vacuum or negative pressure on the suction side of the pump when a positive pressure of 20 psi (137.9 kPa) or less occurs on the suction side of the pump.
Amend	Section 607.2, Hot or tempered water supply to fixtures.	The developed length of hot or tempered water piping, from the source of hot water to the fixtures that require hot or tempered water, shall not exceed 100. Recirculating system piping and heat-traced piping shall be considered to be sources of hot or tempered water.
Amend	Section 608.1, General.	A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventers shall conform to the applicable standard referenced in Table 608.1. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.16.27 and Sections 608.18 through 608.18.2.

Amend	Section 608.9, Identification of Nonpotable Water.	Where nonpotable water systems are installed, the piping conveying the nonpotable water shall be identified either by color marking, metal tags or tape in accordance with Sections 608.8.1 through 608.8.3.
Adopt	Exception	
Adopt		1. Overall Exception to this Section (§608.8 of this code). Pursuant to R.S. 40:4.12, industrial-type facilities listed therein shall not be required to comply with this section (§608.8 of this code) provided that such facilities have a potable water distribution identification plan in conformity with the requirements of R.S. 40:4.12. The required formal cross-connection control survey of the facility referenced in R.S. 40:4.12 shall be performed by an individual holding a valid cross-connection control surveyor certificate issued under the requirements of ASSE 5120, or other individuals holding a surveyor certificate from a nationally recognized backflow certification organization approved by the state health officer.
Amend	Section 608.15, Location of Backflow Preventers.	Access shall be provided to backflow preventers as specified by the manufacturer's instructions for the required testing, maintenance and repair. A minimum of 1 foot of clearance shall be provided between the lowest portion of the assembly and grade or platform. Elevated installations exceeding 5-feet above grade (g) shall be provided with a suitably located permanent platform capable of supporting the installer, tester, or repairer. Reduced pressure principal type backflow preventers, and other types of backflow preventers with atmospheric ports and/or test cocks (e.g., atmospheric type vacuum breakers, double check valve assemblies, pressure type vacuum breaker assemblies, etc.), shall not be installed below grade (in vaults or pits) where the potential for a relief valve, an atmospheric port, or a test cock being submerged exists.
Amend	Section 608.16.4, Protection by a Vacuum Breaker.	Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of atmospheric type vacuum breakers shall be installed not less than 6 inches (152 mm) above all downstream piping and not less than 6 inches (152 mm) above the flood-level rim of the fixture receptor or device served. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. Atmospheric vacuum breakers including, but not limited to, hose bibb vacuum breakers shall not be subjected to continuous water pressure. The critical level of pressure type vacuum breakers shall be installed not less than 12 inches (305 mm) above all downstream piping and not less than 12 inches (305 mm) above the flood-level rim of the fixture receptor or device served. Fill valves shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors.
Amend	Section 608.17, Connections to the Potable Water System.	Connections to the potable water system shall conform to Sections 608.16.1 through 608.16.27. These Sections (608.16.1-608.16.27) are not inclusive of all potential contamination sources which may need fixture isolation protection. For potential contamination sources not listed in Sections 608.16.1 through 608.16.27, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in this code or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized as directed by the building official.
Amend	Section 608.17.5, Connections to Lawn/Landscape Irrigation Systems.	The potable water supply to lawn/landscape irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly or a reduced pressure principle backflow prevention assembly. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. When a lawn/landscape sprinkler system is provided with separate zones, the potable water supply shall be protected by a pressure vacuum breaker or reduced pressure principal backflow prevention assembly. Atmospheric vacuum breakers shall be installed at least 6 inches (152 mm) above the highest point of usage (i.e., 6 inches (152 mm) above all downstream piping and highest sprinkler head). Pressure type vacuum breakers shall be installed at least 12 inches (305 mm) above the highest point of usage (i.e., 12 inches (305 mm) above all downstream piping and the highest sprinkler head). Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.
Amend	Section 608.17.8, Portable Cleaning Equipment.	Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, 608.13.2, 608.13.3, 608.13.5, 608.13.6, or 608.13.8. The type of backflow preventer shall be selected based upon the application in accordance with Table 608.1.
Adopt	Section 608.17.11, Cooling Towers.	The potable water supply to cooling towers shall be protected against backflow by an air gap.
Adopt	Section 608.17.12, Chemical Tanks.	The potable water supply to chemical tanks shall be protected against backflow by an air gap.
Adopt	Section 608.17.13, Commercial Dishwashers in Commercial Establishments.	The potable water supply to commercial dishwashers in commercial establishments shall be protected against backflow by an air gap, atmospheric vacuum breaker, or pressure vacuum breaker. Vacuum breakers shall meet the requirements of Section 608.15.4.
Adopt	Section 608.17.14, Ornamental Fountains.	The potable water supply to ornamental fountains shall be protected against backflow by an air gap.
Adopt	Section 608.17.15, Swimming Pools, Spas, Hot Tubs.	The potable water supply to swimming pools, spas, or hot tubs shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.

Adopt	Section 608.17.16, Baptismal Fonts.	The potable water supply to baptismal fonts shall be protected against backflow by an air gap.
Adopt	Section 608.17.17, Animal Watering Troughs.	The potable water supply to animal watering troughs shall be protected against backflow by an air gap.
Adopt	Section 608.17.18, Agricultural Chemical Mixing Tanks.	The potable water supply to agricultural chemical mixing tanks shall be protected against backflow by an air gap.
Adopt	Section 608.17.19, Water Hauling Trucks.	The potable water supply to water hauling trucks/tankers shall be protected against backflow by an air gap when filled from above. When allowed to be filled from below, they shall be protected by a reduced pressure principle backflow prevention assembly. When a tanker truck is designated for the hauling of food grade products (and has been cleaned utilizing food grade cleaning procedures) and is allowed to be filled from below, a double check valve assembly shall be acceptable.
Adopt	Section 608.17.20, Air Conditioning Chilled Water Systems and/or Condenser Water Systems.	The potable water supply to air conditioning chilled water systems and condenser water systems shall be protected against backflow by a reduced pressure principal backflow prevention assembly.
Adopt	Section 608.17.21, Pot-Type Chemical Feeders.	The potable water supply to pot-type chemical feeders shall be protected against backflow by a reduced pressure principal backflow prevention assembly.
Adopt	Section 608.17.22, Food Processing Steam Kettles.	The potable water supply to food processing steam kettles shall be protected against backflow by a double check valve backflow prevention assembly.
Adopt	Section 608.17.23, Individual Travel Trailer Pads.	The potable water supply to individual travel trailer pads shall be protected against backflow by a dual check valve backflow prevention assembly.
Adopt	Section 608.17.24, Laboratory and/or Medical Aspirators.	The potable water supply to laboratory and/or medical aspirators shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.
Adopt	Section 608.17.25, Laboratory or other Sinks with Threaded or Serrated Nozzles.	The potable water supply to laboratory sinks or other sinks with threaded or serrated nozzles shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.
Adopt	Section 608.17.26, Mortuary/Embaling Aspirators.	The potable water supply to mortuary/embaling aspirators shall be protected against backflow by a pressure vacuum breaker installed in the supply line serving the aspirator. The critical level of the vacuum breaker shall be installed a minimum of 12 inches higher than the aspirator. The aspirator shall be installed at least 6 inches above the highest level at which suction may be taken. An air gap shall be provided between the outlet of the discharge pipe and the overflow rim of the receiving fixture.
Adopt	Section 608.17.27, Room(s) or other Sub-Unit(s) of a Premise or Facility Receiving Water where Access is Prohibited.	When access is prohibited to particular areas, rooms, or other sub-units of a premise or facility which is receiving water, the potable water supply serving those areas shall be protected against backflow by a reduced pressure principal backflow protection assembly.
Amend	Section 608.18, Protection of Individual Water Supplies.	An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells).
Repeal	Sections 608.18.1 through 608.18.8 including Table 608.18.1.	Delete Sections 608.18.1 through 608.18.8 including Table 608.18.1.
Adopt	Section 608.19, Containment Practices.	Backflow prevention methods or devices shall be utilized as directed by the water supplier or code official to isolate specific water supply system customers from the water supply system's mains when such action is deemed necessary to protect the water supply system against potential contamination caused by backflow of water from that part of the water system owned and maintained by the customer (for example, the piping downstream of the water meter, if provided). Minimum requirements shall be in accordance with Section 608.19.1 through 608.19.2.
Adopt	Section 608.19.1, Containment Requirements.	As a minimum, the following types of backflow prevention assemblies or methods shall be installed and maintained by water supply system customers immediately downstream of the water meter (if provided) or on the water service pipe prior to any branch line or connections serving the listed customer types and categories.

Amend		Table 608.19.1, Containment Requirements.																																																																
		<table border="1"> <tr> <th colspan="2" style="text-align: center;">Air Gap</th> </tr> <tr> <td>1.</td> <td>Fire Protection/Sprinkler System utilizing non-potable water as an alternative or primary source of water</td> </tr> <tr> <th colspan="2" style="text-align: center;">Reduced Pressure Principle Backflow Prevention Assembly</th> </tr> <tr> <td>1.</td> <td>Hospitals, Out-Patient Surgical Facilities, Renal Dialysis Facilities, Veterinary Clinics</td> </tr> <tr> <td>2.</td> <td>Funeral Homes, Mortuaries</td> </tr> <tr> <td>3.</td> <td>Car Wash Systems</td> </tr> <tr> <td>4.</td> <td>Sewage Facilities</td> </tr> <tr> <td>5.</td> <td>Chemical or Petroleum Processing Plants</td> </tr> <tr> <td>6.</td> <td>Animal/Poultry Feedlots or Brooding Facilities</td> </tr> <tr> <td>7.</td> <td>Meat Processing Plants</td> </tr> <tr> <td>8.</td> <td>Metal Plating Plants</td> </tr> <tr> <td>9.</td> <td>Food Processing Plants, Beverage Processing Plants</td> </tr> <tr> <td>10.</td> <td>Fire Protection/Sprinkler Systems using antifreeze in such system (a detector type assembly is required on unmetered fire lines)</td> </tr> <tr> <td>11.</td> <td>Irrigation/Lawn Sprinkler Systems with Fertilizer Injection</td> </tr> <tr> <td>12.</td> <td>Marinas/Docks</td> </tr> <tr> <td>13.</td> <td>Radiator Shops</td> </tr> <tr> <td>14.</td> <td>Commercial Pesticide/Herbicide Application</td> </tr> <tr> <td>15.</td> <td>Photo/X-ray/Film Processing Laboratories</td> </tr> <tr> <td>16.</td> <td>Multiple Commercial Units served by a master meter</td> </tr> <tr> <td>17.</td> <td>Any type of occupancy type or any other facility having one or more Single-walled Heat Exchangers which uses any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium</td> </tr> <tr> <td>18.</td> <td>Any type of occupancy type or any other facility having one or more Double-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge</td> </tr> <tr> <td>19.</td> <td>Premises where access/entry is prohibited</td> </tr> <tr> <th colspan="2" style="text-align: center;">Pressure Vacuum Breaker Assembly/Spill Resistant Vacuum Breaker Assembly</th> </tr> <tr> <td>1.</td> <td>Irrigation/Lawn Sprinkler Systems</td> </tr> <tr> <th colspan="2" style="text-align: center;">Double Check Valve Assembly</th> </tr> <tr> <td>1.</td> <td>Fire Protection/Sprinkler Systems (a detector type double check valve assembly is required on unmetered fire lines)</td> </tr> <tr> <td>2.</td> <td>Two residential dwelling units served by a master meter, unless both units are located on a parcel or contiguous parcels of land having the same ownership and neither unit is used for commercial purposes. As used herein, the term "commercial purposes" means any use other than residential.</td> </tr> <tr> <td>3.</td> <td>Three or more residential dwelling units served by a master meter</td> </tr> <tr> <td>4.</td> <td>Multistoried Office/Commercial Buildings (over 3 floors)</td> </tr> <tr> <td>5.</td> <td>Jails, Prisons, and Other Places of Detention or Incarceration</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table>	Air Gap		1.	Fire Protection/Sprinkler System utilizing non-potable water as an alternative or primary source of water	Reduced Pressure Principle Backflow Prevention Assembly		1.	Hospitals, Out-Patient Surgical Facilities, Renal Dialysis Facilities, Veterinary Clinics	2.	Funeral Homes, Mortuaries	3.	Car Wash Systems	4.	Sewage Facilities	5.	Chemical or Petroleum Processing Plants	6.	Animal/Poultry Feedlots or Brooding Facilities	7.	Meat Processing Plants	8.	Metal Plating Plants	9.	Food Processing Plants, Beverage Processing Plants	10.	Fire Protection/Sprinkler Systems using antifreeze in such system (a detector type assembly is required on unmetered fire lines)	11.	Irrigation/Lawn Sprinkler Systems with Fertilizer Injection	12.	Marinas/Docks	13.	Radiator Shops	14.	Commercial Pesticide/Herbicide Application	15.	Photo/X-ray/Film Processing Laboratories	16.	Multiple Commercial Units served by a master meter	17.	Any type of occupancy type or any other facility having one or more Single-walled Heat Exchangers which uses any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium	18.	Any type of occupancy type or any other facility having one or more Double-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge	19.	Premises where access/entry is prohibited	Pressure Vacuum Breaker Assembly/Spill Resistant Vacuum Breaker Assembly		1.	Irrigation/Lawn Sprinkler Systems	Double Check Valve Assembly		1.	Fire Protection/Sprinkler Systems (a detector type double check valve assembly is required on unmetered fire lines)	2.	Two residential dwelling units served by a master meter, unless both units are located on a parcel or contiguous parcels of land having the same ownership and neither unit is used for commercial purposes. As used herein, the term "commercial purposes" means any use other than residential.	3.	Three or more residential dwelling units served by a master meter	4.	Multistoried Office/Commercial Buildings (over 3 floors)	5.	Jails, Prisons, and Other Places of Detention or Incarceration				
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Adopt	Section 608.19.2, Other Containment Requirements.	Table 608.19.1 of this code above is not inclusive of all potential contamination sources which may need containment protection. For potential contamination sources not listed in this table, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in Table 608.19.1 of this code above or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized:																																																																
Adopt		1. as directed by the building code official; or																																																																
Adopt		2. as directed by the water supplier;																																																																
Adopt		3. in cases of a discrepancy regarding the particular backflow prevention assembly or method required, the assembly or method providing the higher level of protection shall be required.																																																																
Adopt	Item (4.)	Where a backflow prevention device is installed above ground, any piping installed above ground shall be metallic piping, shall be of rigid quality and must comply with Table 605.4.																																																																
Amend	Chapter 7, Sanitary Drainage.																																																																	
Amend	Section 701.2, Sewer Required.	Buildings in which plumbing fixtures are installed and premises having sanitary drainage system piping shall be connected to a community sewerage system, where available, or an approved commercial treatment facility or individual sewerage meeting the requirements of LAC 51:XIII (Sewage Disposal).																																																																
Adopt	Section 701.8, Repairs to Drainage System via Re-Route.	In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be and sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.																																																																
Adopt	Section 703.7, Minimum Size Building Sewer.	No building sewer shall be less than 4 inches in size with the exception of force lines.																																																																
Amend	Section 705.2.4, Push-fit joints.	Push-fit DWV fittings shall be prohibited under building slab, shall be listed and labeled to ASME A112.4.4 and shall be installed in accordance with the manufacturer's instructions.																																																																
Amend	Section 705.10.4, Push-fit joints.	Push-fit joints shall be prohibited under building slab, shall conform to ASME A112.4.4 and shall be installed in accordance with the manufacturer's instructions.																																																																
Amend	Section 710.1, Maximum Fixture Unit Load.	The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1). The maximum number of drainage fixture units connected to a given size vertical soil or waste stack, or horizontal branch connecting to a vertical soil or waste stack, shall be determined using Table 710.1(2).																																																																

Amend	Table 710.1(1).	
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Diameter of Pipe (Inches)	Maximum Number of Drainage Fixture Units Connected to Any Portion of the Building Drain or the Building Sewer, Including Branches of the Building Drain ^a			
	Slope Per Foot			
	1/16 inch	1/8 inch	1/4 inch	1/2 inch
1 1/4			1	1
1 1/2			3	3
2			21	26
2 1/2			24	31
3		20 (not over two water closets)	27 (not over two water closets)	36 (not over two water closets)
4	—	180	216	250
5	—	390	480	575
6	—	700	840	1,000
8	1,400	1,600	1,920	2,300
10	2,500	2,900	3,500	4,200
12	3,900	4,600	5,600	6,700
15	7,000	8,300	10,000	12,000

For SI: 1 inch = 25.4 mm, 1 inch per foot = 83.3 mm/m.

^a The minimum size of any building drain serving a water closet shall be 3 inches.

Amend	Table 710.1(2).	Table 710.1(2)—Horizontal Fixture Branches and Soil Stacks ^a .
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Diameter of Pipe (inches) (The minimum size of any branch or soil stack serving a water closet shall be 3".)	Maximum Number of Drainage Fixture Units (dfu)			
	Total for horizontal branch (Does not include branches of the building drain. Use 50 percent less dfu's for any circuit or battery vented fixture branches, no size reduction permitted for circuit or battery vented branches throughout the entire branch length.)	Soil Stacks ^b		
		Total discharge into one branch interval when greater than three branch intervals	Total for soil stack when three branch intervals or less	Total for soil stack when greater than three branch intervals
1 1/2	3	2	4	8
2	6	6	10	24
2 1/2	12	9	20	42
3	20 (not over two water closets)	16 (not over two water closets)	30 (not over six water closets)	60 (not over six water closets)
4	160	90	240	500
5	360	200	540	1,100
6	620	350	960	1,900
8	1,400	600	2,200	3,600
10	2,500	1,000	3,800	5,600
12	3,900	1,500	6,000	8,400
15	7,000	Note c	Note c	Note c

For SI: 1 inch = 25.4 mm.

^a Does not include branches of the building drain. Refer to Table 710.1(1).

^b Soil stacks shall be sized based on the total accumulated connected load at each story or branch interval. As the total accumulated connected load decreases, stacks are permitted to be reduced in size. Stack diameters shall not be reduced to less than one-half of the diameter of the largest stack size required.

^c Sizing load based on design criteria.

Adopt	Section 710.3, Underground Drainage Piping.	Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.
Amend	Section 712.3.2.	The sump pit shall be not less than 18 inches (457 mm) in diameter and not less than 24 inches (610 mm) in depth, unless otherwise <i>approved</i> . The pit shall be accessible and located such that all drainage flows into the pit by gravity. The sump pit shall be constructed of tile, concrete, steel, plastic or other <i>approved</i> materials. The pit bottom shall be solid and provide permanent support for the pump. The sump pit shall be fitted with a gas-tight removable cover that is installed flush with grade or floor level, or above grade in outdoor installations. The cover shall be adequate to support anticipated loads in the area of use. The sump pit shall be vented in accordance with Chapter 9

Amend	Section 716.1, General.	This section shall govern the replacement of existing <i>building sewer</i> and piping by pipe-bursting methods.
Adopt	Exception	Building drains shall be installed in compliance with Section 316 when approved by the AHJ.
Amend	Section 716.2, Applicability.	The replacement of <i>building sewer</i> and piping by pipe-bursting methods shall be limited to gravity drainage piping of sizes 6 inches (152 mm) and smaller. The replacement piping shall be of the same nominal size as the existing piping.
Adopt	Exception	Building drains shall be installed in compliance with Section 316 when approved by the AHJ.
Amend	Section 717.1, General.	This section shall govern the relining of existing <i>building sewers</i> and building drainage piping is prohibited.
Adopt	Exception	Shall be allowed when installed in compliance with Section 316 and approved by the AHJ.
Amend	Section 718.1, Cure-in place.	Sectional cure-in-place rehabilitation of <i>building sewer</i> piping and sewer service lateral piping shall be installed in compliance with Section 316 and in accordance with ASTM F2599. Main and lateral cure-in-place rehabilitation of <i>building sewer</i> and sewer service lateral pipe and their connections to the main sewer pipe shall be in accordance with ASTM F2561. Hydrophilic rings or gaskets in cure-in-place rehabilitation of <i>building sewer</i> piping and sewer service laterals shall be in accordance with ASTM F3240 to ensure water tightness and elimination of ground water penetration.
Amend	Chapter 8, Indirect/Special Waste.	
Amend	Section 802.1.1, Food Handling.	Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap. Food handling equipment includes, but is not limited to, the following: any sink where food is cleaned, peeled, cut up, rinsed, battered, defrosted or otherwise prepared or handled; potato peelers; ice cream dipper wells; refrigerators; freezers; walk-in coolers or freezers; ice boxes; ice making machines; fountain-type drink dispensers; rinse sinks; cooling or refrigerating coils; laundry washers; extractors; steam tables; steam kettles; egg boilers; coffee urns; steam jackets or other food handling or cooking equipment wherein the indirect waste pipe may come under a vacuum; or similar equipment.
Amend	Section 802.4, Waste Receptors.	For other than hub drains that receive only clear-water waste and standpipes, a removable strainer or basket shall cover the outlet of waste receptors. Waste receptors shall not be installed in concealed spaces. Waste receptors shall not be installed in plenums, interstitial spaces above ceilings and below floors. Access shall be provided to waste receptors.
Amend	Chapter 9, Vents.	
Amend	Section 906.1, Size of stack vents and vent stacks.	The minimum required diameter of <i>stack vents</i> and vent stacks shall be determined from the <i>developed length</i> and the total of <i>drainage fixture units</i> connected thereto in accordance with Table 906.1, but in no case shall the diameter be less than one-half the diameter of the drain served or less than 1¼ inches (32 mm). As it relates to Table 906.1, vents for water closets and clinical sinks shall be a minimum of 2 inches in size.
Amend	Section 906.2, Vents other than stack vents or vent stacks.	The diameter of individual vents, branch vents, circuit vents and relief vents shall be not less than one-half the required diameter of the drain served. The required size of the drain shall be determined in accordance with Table 710.1(2). Vent pipes shall be not less than 1¼ inches (32 mm) in diameter. Vents exceeding 40 feet (12 192 mm) in developed length shall be increased by one nominal pipe size for the entire developed length of the vent pipe. Relief vents for soil and waste stacks in buildings having more than 10 branch intervals shall be sized in accordance with Section 908.2. Vents for water closets and clinical sinks shall be a minimum of 2 inches in size.
Amend	Table 909.1, Maximum Distance of Fixture Trap from Vent.	
Adopt	Footnote	The developed length between the trap of a water closet or similar fixture (measured from the top of the closet flange to the inner edge of the vent) and its vent shall not exceed 6 feet (1829 mm).
Repeal	Table 911.3, Common vent sizes.	
Amend	Section 911.4, Common vent connection.	Common vent sizing shall be the sum of the fixture units served but shall not be smaller than the minimum vent pipe size required for a fixture served, or by Section 906.1.
Amend	Section 916.2, General.	The island fixture vent shall connect to the <i>fixture drain</i> as required for an individual or common vent. The vent shall rise vertically to above the drainage outlet of the fixture being vented and as high as possible to the underside of the countertop before offsetting horizontally or vertically downward installation shall be per Figure 916.2. The vent or <i>branch vent</i> for multiple island fixture vents shall extend to a point not less than 6 inches (152 mm) above the highest island fixture being vented before connecting to the outside vent terminal.
Adopt	Figure 916.2	<p>The diagram illustrates the required venting configuration for an island fixture. It shows a cross-section of the fixture with a trap. A vent pipe rises vertically from the trap, passes above the flood level rim, and then offsets horizontally and vertically downward to connect to the drain pipe. Two cleanout points for the vent are indicated. The lowest point of the vent pipe is shown connecting to the drain pipe downstream of the fixture.</p>

Repeal	Section 916.3, Vent installation below the fixture flood level rim.	
Amend	Section 917, Single Stack System.	
Amend	Section 917 .1, Where permitted.	Single-stack venting shall be designed by a registered design professional as an engineered design. A drainage stack shall serve as a single stack vent system where sized and installed in accordance with Sections 917.2 through 917.9. The drainage stack and branch piping shall be the vents for the drainage system. The drainage stack shall have a stack vent.
Repeal	Section 918, Air Admittance Valves.	Delete Section 918, Air Admittance Valves in its entirety and all referring sections of the 2021 IPC. In accordance with the requirements of Act 836 of the 2014 Regular Session, air admittance valves are prohibited from use on all plumbing systems.
Repeal	Section 920, Computerized vent design.	
Amend	Chapter 10, Traps, Interceptors and Separators.	
Amend	Section 1003.2, Approval.	Interceptors and separators shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator. No interceptor or separator shall be installed until its design, size, location and venting has been approved by the local jurisdictional code official. The local jurisdictional code official shall have the authority to require a grease interceptor to be serviced, repaired, or replaced with a larger unit when it is determined that a unit is not working or being maintained properly, the unit is damaged, or the mode of operation of the facility no longer meets the anticipated conditions of use (i.e., offensive odors, sewage backups or overflows, or when it is determined that grease is bypassing the grease interceptor and causing downstream blockages or interfering with sewage treatment).
Adopt	Section 1003.2.1, Grease Interceptor Sizing.	In all instances of new construction, change of occupancy classification or use of the property, a gravity grease interceptor or hydro-mechanical grease interceptor meeting the minimum capacity as required by this Section of the Code shall be installed. The minimum required capacity (volume) of the grease interceptor shall be determined based upon the maximum number of persons served during the largest meal period. The minimum capacity shall not be less than 125 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When over 50 people are served during a single meal period, the minimum capacity shall be increased beyond 125 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51st person served and greater.
Adopt	Exceptions	
Adopt		(a.) At the discretion of the local jurisdictional code official, a smaller, point of use type hydro-mechanical grease interceptor or automatic grease removal device may be permissible when:
Adopt		1. a concrete slab would have to be broken at an existing building or facility for the proper installation of a grease interceptor; or
Adopt		2. an outside, unpaved area surrounding an existing building where a grease interceptor could be installed is available; however, it is determined that the area is located further than 75 feet from the plumbing fixtures that the grease interceptor would be servicing; or
Adopt		3. the local jurisdictional code official determines that the installation is unfeasible such as when servicing a kitchen located on the upper floors of a multistoried building; or
Adopt		4. the local jurisdictional code official determines that minimal fat, oil and grease will be produced or introduced into the sanitary drainage system based on the menu and mode of operation of the facility (i.e., snowball stands, sandwich shops, or other similar facilities with low grease production and which utilize single-service tableware and hollowware including forks, knives, spoons, plates, bowls, cups, and other serving dishes).
Adopt		(b.) In these instances, listed under the exception, the minimum required size of the hydromechanical grease interceptor; fats, oils and greases disposal system or automatic grease removal device shall be determined in accordance with the requirements of Section 1003.3.4 of this code. In no case shall a grease interceptor or automatic grease removal device be installed which has an approved rate of flow of less than 20 gallons per minute.
Amend	Section 1003.3.5, Hydromechanical Grease Interceptors, Fats, Oils and Greases Disposal Systems and Automatic Grease Removal Devices.	When specifically allowed under the exception of Section 1003.2.1 of this code, hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be sized in accordance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI-G101. Hydromechanical grease interceptors; fats, oils, and grease disposal systems and automatic grease removal devices shall be designed and tested in accordance with ASME A112.14.3, ASME A112.14.4, CSA B481.1, PDI G101 or PDI G102. Hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in accordance with the manufacturer's instructions. Where manufacturer's instructions are not provided, hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in compliance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI-G101.
Amend	Section 1003.3.47, Gravity Grease Interceptors/Grease Traps.	Gravity grease interceptors shall comply with the requirements of Sections 1003.3.47.1 through 1003.3.47.8 and shall be sized in accordance with Section 1003.2.1 of this code.
Adopt	Section 1003.3.1, Indoor Installations.	If a gravity grease interceptor must be installed within an enclosed building, any access covers shall be gasketed to prevent the intrusion of odors into the building.
Adopt	Section 1003.3.7.2, Distance.	The grease interceptor shall be placed as close to the plumbing fixture(s) discharging greasy waste as possible, but preferably on the outside of the building when feasible.
Adopt	Section 1003.3.7.3, Outlet Pipe.	The minimum diameter of the outlet pipe shall not be less than 4 inches. The invert of the gravity grease interceptor outlet opening (i.e., lowest portion of the outlet pipe where it draws waste near the bottom of the grease interceptor), shall be located at a maximum of 6 inches and a minimum of 4 inches from the floor of the grease interceptor. This requirement also applies to any intermediate outlets in multi-compartment gravity grease interceptors.

Adopt	Section 1003.3.7.4, Air Space.	A minimum of one foot of air space shall be provided above the static water level.
Adopt	Section 1003.3.7.5, Venting.	A gravity grease interceptor outlet shall be properly vented in accordance with this section to prevent it from siphoning itself out. Any internally vented outlet line shall have the vent terminal extended to within 2 inches of the bottom of the access cover to prevent grease from escaping the gravity grease interceptor through the open vent terminal. For those gravity grease interceptors having a gasketed cover, the gravity grease interceptor outlet line shall not be allowed to be internally vented. In this case, the outlet line itself shall be vented with a minimum 2-inch vent pipe installed in accordance with Chapter 9 of this code.
Adopt	Section 1003.3.7.6, Water Seal.	On unbaffled single compartment gravity grease interceptors, a 90 degree ell shall be used on the inlet and shall terminate 6 inches below the static water level. On baffled single compartment gravity grease interceptors, a baffle wall shall be placed between the inlet and outlet. The inlet shall discharge into the gravity grease interceptor at a level at least 6 inches below the top of the baffle wall.
Adopt	Section 1003.3.7.7, Minimum Horizontal Distance.	The minimum horizontal distance between the inlet and outlet piping in the gravity grease interceptor shall be 24 inches.
Adopt	Section 1003.3.7.8, Access/Covers.	Access from the top of the gravity grease interceptor shall be provided by an easily removable cover above an access opening for proper maintenance. Additional access opening/covers shall be provided as necessary to provide accessibility to each compartment in multi-compartment or multi-baffled arrangements as well as access to both the inlet and outlet. Access opening covers shall be above or at grade (G) to provide ready accessibility. Each access cover shall be designed so that it cannot slide, rotate, or flip when properly installed in order that the opening is not unintentionally exposed. Especially for lightweight covers, mechanical fasteners are recommended to augment the safety of and ensure positive closure of the cover.
Amend	Section 1003.10, Access and Maintenance of Interceptors and Separators.	Access shall be provided to each interceptor and separator for service and maintenance. A two-way cleanout shall be provided on the discharge waste line immediately downstream of all interceptors and separators. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, or other floating substances and solids deposited in the interceptor or separator.
Amend	Chapter 11, Storm Drainage.	
Amend	Section 1101.3, Prohibited Drainage.	Storm water shall not be drained into sewers intended for sewage only.
Adopt	Exception	
Adopt		1. Liquid waste from the cleaning operation and from the leakage of garbage containers and dumpsters holding putrescible wastes shall be disposed of as sewage. Methods used for this disposal shall prevent rainwater and runoff from adjacent areas from entering the sanitary sewerage system (i.e., dumpster pads may be elevated or curbed, enclosed or covered). When determined by the code official that liquid wastes or putrescible wastes contain fats, oils or grease (or, for new establishments, will likely contain fats, oils, or grease in the future), an approved grease interceptor shall be installed in the waste line in accordance with Section 1003 of this code.
Repeal	Section 1103.1.	
Repeal	Section 1103.2.	
Repeal	Section 1103.3.	
Repeal	Section 1103.4.	
Repeal	Section 1109.1.	
Amend	Chapter 13, Gray Water Recycling Systems.	
Amend	Section 1301.4, Permits.	Permits shall be required for the construction, installation, alteration and repair of nonpotable water systems. Construction documents, engineering calculations, diagrams and other such data pertaining to the nonpotable water system shall be submitted with each permit application. Such plans and specifications shall be appropriately sealed and signed by a Louisiana registered professional engineer.
Amend	Section 1301.5, Potable Water Connections.	Where a potable system is connected to a nonpotable water system, the potable water supply shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.
Amend	Section 1301.9.4, Makeup Water.	Where an uninterrupted supply is required for the intended application, potable or reclaimed water shall be provided as a source of makeup water for the storage tank. The makeup water supply shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly. A full-open valve located on the makeup water supply line to the storage tank shall be provided. Inlets to the storage tank shall be controlled by fill valves or other automatic supply valves installed to prevent the tank from overflowing and to prevent the water level from dropping below a predetermined point. Where makeup water is provided, the water level shall not be permitted to drop below the source water inlet or the intake of any attached pump.
Amend	Chapter 15, Referenced Standards.	
Amend	CSA Referenced Standard.	B64.10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices (not including Part 6 (Maintenance and Field Testing) Section 608.16 and Section 618.2
Adopt	Chapter 16, Travel Trailer and Mobile/Manufactured Home Parks.	
Adopt	Definitions	Add the following definitions:
Adopt	<i>Dependent Travel Trailer</i>	a travel trailer not equipped with a water closet.
Adopt	<i>Drain Hose</i>	the approved type hose, flexible and easily detachable, used for connecting the drain outlet on a travel trailer to a sewer inlet connection.
Adopt	<i>Drain Outlet</i>	the lowest end of the main drain of a travel trailer itself to which a drain hose is connected.
Adopt	<i>Independent Travel Trailer</i>	a travel trailer equipped with a water closet and a bath or shower.
Adopt	<i>Inlet Coupling</i>	the terminal end of the branch water line to which the mobile/manufactured home or travel trailer's water service connection is made. It may be a swivel fitting or threaded pipe end.

Adopt	<i>Intermediate Waste Holding Tank</i>	(travel trailers only)—an enclosed tank for the temporary retention of water-borne waste.
Adopt	<i>Mobile/Manufactured Home</i>	a prefabricated home built on a permanent chassis which can be transported in one or more sections and is typically used as a permanent dwelling. Manufactured homes built since 1976 are built to the <i>Manufactured Home Construction and Safety Standards (HUD Code)</i> and display a HUD certification label on the exterior of each transportable section.
Adopt	<i>Park or Mobile/Manufactured Home Park or Travel Trailer Park</i>	any lot, tract, parcel or plot of land upon which more than one travel trailer and/or mobile/manufactured homes parked for the temporary or permanent use of a person or persons for living, working or congregating.
Adopt	<i>Park Drainage System</i>	the entire system of drainage piping within the park which is used to convey sewage or other wastes from the mobile/manufactured home or travel trailer drain outlet connection, beginning at its sewer inlet connection at the mobile/manufactured home or travel trailer site, to a community sewerage system, a commercial treatment facility, or an individual sewerage system.
Adopt	<i>Park Water Distribution System</i>	all of the water distribution piping within the park, extending from the water supply system or other source of supply to, but not including, the mobile/manufactured home or travel trailer's water service connection, and including branch service lines, fixture devices, service buildings and appurtenances thereto.
Adopt	<i>Service Building</i>	a building housing toilet and bathing facilities for men and women, with laundry facilities.
Adopt	<i>Sewer Inlet</i>	a sewer pipe connection permanently provided at the travel trailer or mobile/manufactured home site which is designed to receive sewage when a travel trailer or a mobile/manufactured home is parked on such site. It is considered the upstream terminus of the park drainage system.
Adopt	<i>Travel Trailer</i>	a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use.
Adopt	<i>Travel Trailer Sanitary Service Station</i>	a sewage inlet with cover, surrounded by a concrete apron sloped inward to the drain, and watering facilities to permit periodic wash down of the immediately adjacent area, to be used as a disposal point for the contents of intermediate waste holding tanks of travel trailers.
Adopt	<i>Water Service Connection</i>	as used in conjunction with mobile/manufactured homes and travel trailers, the water pipe connected between the inlet coupling of the park water distribution system and the water supply fitting provided on the mobile/manufactured home or travel trailer itself.
Adopt	Section 1601, General.	
Adopt	Section 1601.1, Scope.	The requirements set forth in this Chapter shall apply specifically to all new travel trailer and mobile/manufactured home parks, and to additions to existing parks as herein defined, and are to provide minimum standards for sanitation and plumbing installation within these parks, for the accommodations, use and parking of travel trailers and/or mobile/manufactured homes.
Adopt	Section 1601.2, Governing Provisions.	Other general provisions of this code shall govern the installation of plumbing systems in travel trailer and mobile/manufactured home parks, except where special conditions or construction are specifically defined in this Chapter.
Adopt	Section 1601.3, Sewage Collection, Disposal, Treatment.	Travel trailers or mobile/manufactured homes shall not hereafter be parked in any park unless there are provided plumbing and sanitation facilities installed and maintained in conformity with this code. Every travel trailer and mobile/manufactured home shall provide a gastight and watertight connection for sewage disposal which shall be connected to an underground sewage collection system discharging into a community sewerage system, a commercial treatment facility, or an individual sewerage system which has been approved by the state health officer.
Adopt	Section 1601.4, Travel Trailer Sanitary Service Station.	At least one travel trailer sanitary service station shall be provided in all travel trailer parks that accept any travel trailers having an intermediate waste holding tank. The water supply serving the sanitary service station shall be protected against backflow by a reduced pressure principle backflow prevention assembly meeting the requirements of Section 608 of this code.
Adopt	Section 1601.5, Materials.	Unless otherwise provided for in this Chapter, all piping fixtures or devices used in the installation of drainage and water distribution systems for travel trailer parks and mobile/manufactured home parks shall conform to the quality and weights of materials prescribed by this code.
Adopt	Section 1601.6, Installation.	Unless otherwise provided for in this Chapter, all plumbing fixtures, piping drains, appurtenances and appliances designed and used in the park drainage, water distribution system, and service connections shall be installed in conformance with the requirements of this code.
Adopt	Section 1601.7, Maintenance.	All devices or safeguards required by this Chapter shall be maintained in good working order by the owner, operator, or lessee of the travel trailer park or his designated agent.
Adopt	Section 1602, Service Buildings.	
Adopt	Section 1602.1, Service Buildings for Independent Travel Trailers.	Each travel trailer park which serves only independent travel trailers shall have at least one service building to provide necessary sanitation and laundry facilities. Each mobile/manufactured home park which also serves one or more independent travel trailers (in addition to mobile/manufactured homes) shall have at least one service building to provide necessary sanitation and laundry facilities. When a service building is required under this Section, it shall have a minimum of one water closet, one lavatory, one shower or bathtub for females and one water closet, one lavatory, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided.

Adopt	Exception	
		1. Temporary (six months) travel trailers residing in mobile home parks and or where more than one travel trailer resides for the purpose of employment and or hardships, may be exempted by the local jurisdiction building official from section.
Adopt	Section 1602.2, Service Building for Dependent Travel Trailers.	The service building(s) in travel trailer or mobile/manufactured home parks that also accommodate dependent travel trailers shall have a minimum of two water closets, one lavatory, one shower or bathtub for females, and one water closet, one lavatory, one urinal, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided. The above facilities are for a maximum of ten dependent travel trailers. For every ten additional dependent travel trailers (or any fraction thereof) the following additional fixtures shall be provided: one laundry tray or clothes washing machine, one shower or bathtub for each sex, and one water closet for females. Also, one additional water closet for males shall be provided for every 15 additional dependent travel trailers (or any fraction thereof).
Adopt	Section 1602.3, Service Building Design Requirements.	Each service building shall conform to Sections 1602.3.1 through 1602.3.3 of this code.
Adopt	Section 1602.3.1, Construction.	Every service building shall be of permanent construction with an interior finish of moisture resistant material which will stand frequent washing and cleaning and the building shall be well-lighted and ventilated at all times.
Adopt	Section 1602.3.2, Fixture Separation.	The laundry tray(s) and/or clothes washing machine(s) and drinking fountain(s) shall be located in a common area. None of these fixtures shall be located within any toilet room. Each water closet, tub and/or shower shall be in separate compartments with self-closing doors on all water closet compartments. The shower stall shall be a minimum of 3 x 3 feet (914 x 914 mm) in area, with a dressing compartment.
Adopt	Section 1602.3.3, Floor Drains.	A minimum 2-inch floor drain protected by and approved trap primer shall be installed in each toilet room and laundry room.
Adopt	Section 1603, Park Drainage System.	
Adopt	Section 1603.1, Separation of water and sewer lines.	The sewer main and sewer laterals shall be separated from the park water service and distribution system in accordance with Section 603.2 of this code.
Adopt	Section 1603.2, Minimum Size Pipe.	The minimum size pipe in any mobile/manufactured home park or travel trailer park drainage system shall be 4 inches. This includes branch lines or sewer laterals to individual travel trailers and mobile/manufactured homes.
Adopt	Section 1603.3, Fixture Units.	Each mobile/manufactured home and travel trailer shall be considered as 6 fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.
Adopt	Section 1603.4, Sewage Disposal/Treatment.	The discharge of a park drainage system shall be connected to a community sewerage system. Where a community sewerage system is not available, an approved commercial treatment facility or individual sewerage system shall be installed in accord with the requirements of LAC 51:XIII (Sewage Disposal).
Adopt	Section 1603.5, Manholes and Cleanouts.	Manholes and/or cleanouts shall be provided and constructed as required in Chapter 7 of this code. Manholes and/or cleanouts shall be accessible and brought to grade.
Adopt	Section 1603.6, Sewer Inlets.	Sewer inlets shall be 4-inch diameter and extend above Grade (G) 3 to 6 inches (76 to 152 mm). Each inlet shall be provided with a gas-tight seal when connected to a travel trailer or mobile/manufactured home and have a gas-tight seal plug for use when not in service.
Adopt	Section 1603.7, Drain Connections.	Drain connections shall slope continuously downward and form no traps. All pipe joints and connections shall be installed and maintained gastight and watertight.
Adopt	Section 1603.8, Waste.	No sewage, waste water, or any other effluent shall be allowed to be deposited on the surface of the ground.
Adopt	Section 1603.9, Testing the Park Drainage System.	Upon completion and before covering, the park drainage system shall be subjected to a static water test performed in accordance with Section 312 of this code.
Adopt	Section 1604, Water Supply and Distribution System.	
Adopt	Section 1604.1, General.	Every mobile/manufactured home and travel trailer site shall be provided with an individual branch water service line delivering potable water.
Adopt	Section 1604.2, Water Service Lines.	
		The water service connection from the water service line to the mobile/manufactured home or travel trailer site shall be not less than 1/2-inch diameter.
Adopt	Section 1604.3, Water Service Connections.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1) and Act836 of the 2014 of the Regular Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512

(September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:81 (January 2018), repromulgated LR 45:919 (July 2019), amended LR 45:1794 (December 2019), amended LR 48:

§113. International Fuel Gas Code (Formerly LAC 55:VI.301.A.6)

A. *International Fuel Gas Code* (IFCG), 2021 Edition, and the standards referenced in that code for regulation of construction within this state.

Amend	Section 310.3, Arc-resistant CSST.	This section applies to corrugated stainless steel tubing (CSST) that is <i>listed</i> with an arc-resistant jacket or coating system in accordance with ANSI LC 1/CSA 6.26. The CSST shall be electrically continuous and bonded to an effective ground fault current path.
Amend	Section 404.14, Piping Underground beneath Buildings,	<i>Piping</i> installed underground beneath buildings is prohibited except where the <i>piping</i> is encased in a conduit of wrought iron, plastic pipe, steel pipe, or other <i>approved</i> conduit material designed to withstand the superimposed loads. The conduit shall be protected from corrosion in accordance with Section 404.11 and shall be installed in accordance with Section 404.14.1 or 404.14.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512

(September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:94 (January 2018), repromulgated LR 45:931 (July 2019), amended LR 48:

**§115. National Electric Code
(Formerly LAC 55:VI.301.A.7)**

A. *National Electric Code* (NEC), 2020 Edition, and the standards referenced in that code for regulation of construction in this state.

Amend	Article 210.8, Ground-Fault Circuit-Interrupter Protection For Personnel.	
Amend	Item (F) Outdoor Outlets	
Amend	Exception	
Adopt	Item (2)	Ground-fault circuit-interrupter protection shall not be required on HVAC equipment.
Adopt	Item (G) Areas where welders are operated	All 125-volt, 15- and 20-ampere receptacles, supplied by single-phase branch circuits rated 150 volts or less to ground, where welders are operated, for electrical hand tools or portable lighting equipment shall have ground-fault circuit interrupter protection for personnel.
Amend	Article 230.71, Maximum Number of Disconnects.	
Adopt	Exception	
Adopt	Item (1)	All pre-existing, renovations, alterations, repairs, or substantial improvement services shall not be required to have only one disconnecting means. The service disconnecting means for these listed construction types shall consist of not more than six switches or sets of circuit breakers, or a combination of not more than six switches and sets of circuit breakers, mounted in a single enclosure, in a group of enclosures, or in or on a switchboard or in a switchgear. There shall not be more than six sets of disconnects per service grouped in any one location.
Amend	Article 551.71 Type Receptacles Provided.	
Amend	Item (F) GFCI Protection.	Ground-fault circuit-interrupter protection shall be provided as required in 210.8(B). GFCI protection shall not be required for other than 125-volt, 15- and 20-ampere receptacles used in the recreational vehicle site equipment. Informational Note No. 1: Appliances used within the recreational vehicle can create leakage current levels at the supply receptacle(s) that could exceed the limits of a Class A GFCI device. Informational Note No. 2: The definition of Power-Supply Assembly in 551.2 and the definition of Feeder in Article 100 clarifies that the power supply cord to a recreational vehicle is considered a feeder.
Adopt	Article 630.8 Ground-Fault Circuit-Interrupter Protection for Personnel.	All 125-volt, 15- and 20-ampere receptacles, supplied by single-phase branch circuits rated 150 volts or less to ground, where welders are operated, for electrical hand tools or portable lighting equipment shall have ground-fault circuit interrupter protection for personnel.
Amend	Article 702.2 Optional Standby Systems.	
Adopt	Article 702.2(D) Permanent mounted residential generators.	When a permanently mounted residential generator is installed it shall meet the manufacturer's installation instructions. Carbon Monoxide alarms shall be added and installed as per the International Residential Code Section R 315 amendment found in the Louisiana State Uniform Construction Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform

Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:95 (January 2018), repromulgated LR 45:932 (July 2019), amended LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that

this proposed Rule will have no impact on family formation/functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in the R.S. 49:973.

Small Business Analysis

In compliance with Act 820, of the 2008 Regular Legislative Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.6.

Provider Impact Statement

As described in HCR 170 of the 2014 Regular Legislative Session, the impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Such comments should be submitted via the U.S. Mail to Melinda L. Long, Office of Legal Affairs, P.O. Box 66614, Slip B-4, Baton Rouge, LA 70896. Written comments may also be hand-delivered to Melinda L. Long, Office of Legal Affairs, 7979 Independence Boulevard, Baton Rouge, LA 70806. All written comments are required to be signed by the person submitting the comments, dated, and received on or before August 10, 2022 at 4:30 p.m. If necessary, a public hearing will be scheduled pursuant to R.S. 49:953(A)(1)(a).

Chief Daniel H. Wallace
State Fire Marshal

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Uniform Construction Code

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes may result in savings for state and local governments, as they promulgate the 2021 edition of the International Building Code (IBC) and the International Plumbing Code (IPC). The IBC revisions may result in savings for local governmental units while not affecting the expenditures of state governmental units. Furthermore, the IPC revisions may result in net savings for state and local governmental units to the extent they utilize the new technologies outlined in the proposed rule changes, though the savings will likely occur over an extended period of time.

The IBC revisions allow for an increase in area square footage before requiring a sprinkler system while still maintaining the safety of individuals, meaning entities may build larger buildings without incurring expenses for sprinkler

systems. This may result in savings for local governments to the extent they engage in new construction and follow the IBC guidelines rather than the Life Safety Code (LSC) guidelines. The IBC revisions may result in any savings or costs for state governmental units, as they currently are less stringent than the LSC guidelines while engaging in new construction.

The revisions to the International Plumbing Code (IPC) outlined in the proposed rule changes may result in higher up-front costs for state and local governmental units, but lower operation and maintenance costs in subsequent fiscal years, resulting in potential net savings over time. The IPC revisions allow for the use of new technologies in building construction that carry higher up-front costs and lower operation and maintenance costs. However, the use of these technologies is optional, and any costs or savings will be realized only to the extent state and local governmental units choose to use the new technologies.

Furthermore, the proposed rule changes provide for the adoption of the most recent construction codes by replacing the current regulations with the more recent 2021 editions of the International Residential Code (IRC), International Existing Building Code (IEBC), International Fuel Gas Code (IFGC), International Mechanical Code (IMC), and the 2020 edition of the National Electrical Code (NEC). The revisions to the aforementioned codes will not result in any additional costs for state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect revenue collections of state or local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will result in indeterminable net savings in commercial and residential construction costs and/or operating and maintenance costs for owners and contractors, while maximizing safety, as a result of the permitted use of new technologies and a revision of building standards for which sprinkler systems must be installed.

The IPC amendments will allow for more efficient, new technologies to be implemented while maintaining safety requirements for the health and welfare of Louisiana citizens. The new, efficient technologies carry a higher front-end cost, but cost less to operate over time than older technologies. As a result, entities may realize net savings on maintenance and operating costs over time to the extent they make use of the new technologies.

The proposed IBC amendments will allow for an increase in area square footage before requiring a sprinkler system while still maintaining the safety of individuals, meaning entities may build larger buildings without incurring expenses for sprinkler systems. The net savings is indeterminable, as the number of entities engaging in new construction projects that fit the new criteria for needing sprinkler systems is unknown.

The proposed NEC amendments will promote the re-use of existing buildings and will help develop downtown historical structures to be brought back into the economic development stream.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

LTC Greg Graphia
Chief Administrative Officer
2207#033

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Mobile Workforce Exemption (LAC 61:I.1923)

Under the authority of R.S. 47:112.2, R.S. 47:242(1)(g)(ii) and (2)(b), R.S. 47:248, and R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et. seq., the Department of Revenue, Policy Services Division, gives notice that rulemaking procedures have been initiated to adopt LAC 61:I.1923 relative to the Mobile Workforce Exemption.

Revised Statute 47:112.2 authorizes an individual income tax exemption for certain nonresident employees who perform their employment duties in Louisiana for 25 days or less. In turn, the statute relieves employers of such nonresident employees of the requirement to withhold Louisiana individual income tax on the nonresident employee's wages. If the nonresident employee performs employment related duties in Louisiana for a period in excess of 25 days in a calendar year, the employer is required to withhold and remit tax to Louisiana for the entire year, including the first 25 days. Wages paid to a nonresident individuals that are exempt pursuant to the mobile workforce provisions of Revised Statute 47:248 will not be considered an item of gross income. The purpose of this proposed regulation is to implement Act 383 of the 2021 Regular Session of the Louisiana Legislature relative to the Mobile Workforce Exemption.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 19. Miscellaneous Tax Exemptions, Credits and Deductions

§1923. Mobile Workforce Exemption

A. General Description

1. The Mobile Workforce Exemption allows certain nonresident mobile workers to exclude wages from Louisiana tax table income. The exemption further relieves employers of such nonresident employees of the requirement to withhold Louisiana individual income tax on the nonresident employee's wages.

2. To be eligible for the exemption, all of the following requirements must be met:

a. The compensation is paid for employment duties performed by the nonresident individual in this state for 25 or fewer days in the calendar year.

b. The nonresident individual performed employment duties in more than one state during the calendar year.

c. The wages are not paid for employment duties performed by the nonresident individual in the individual's capacity as a professional athlete, staff member of a professional athletic team, professional entertainer, public figure, or qualified production employee.

d. The nonresident individual's income is exempt from taxation by this state under the United States Constitution or federal statute or the nonresident individual's state of residence either provides a substantially similar exemption or does not impose an individual income tax.

e. The nonresident individual did not have any other income derived from sources within the state during the taxable year.

B. Definitions. For purposes of this Section, the following terms shall have the meaning ascribed therein.

Department—the Louisiana Department of Revenue.

Day—an employee is considered present and performing employment duties within Louisiana for a day if the employee performs more of his or her duties within Louisiana than any other taxing jurisdiction for that day. Where an employee is present and performing more employment duties in Louisiana than another taxing jurisdiction on the same day, the employee will be considered to have performed the preponderance of his or her duties for that day in Louisiana. The portion of a day that an employee spends in Louisiana while in transit is not considered in determining whether he or she performed employment duties.

Employee—as defined in R.S. 47:111(A), with the exception of a professional athlete, staff member of a professional athletic team, professional entertainer, public figure, or qualified production employee.

Employer—as defined in R.S. 47:111(B).

Time and attendance system—a system through which an employee is required, on a contemporaneous basis, to record the employee's work location for every day worked outside the state where the employee's employment duties are primarily performed and that is designed to allow the employer to allocate the employee's compensation for income tax purposes among all states in which the employee performs employment duties for the employer.

C. Filing Requirements.

1. Employees

a. Nonresident employees seeking to claim the exemption for income earned while performing employment duties within the state for less than 25 days are not required to file a Louisiana individual income tax return. If the nonresident employee has other income from Louisiana sources, the nonresident employee does not qualify for this exemption and thus all Louisiana income must be reported on the Nonresident and Part-Year Resident (NPR) Worksheet of the Louisiana Form IT-540B, *Louisiana Nonresident and Part-Year Resident Income Tax Return*.

b. Nonresident employees must file Form L-4E, *Exemption from Withholding Louisiana Income Tax* with their employer in order for their employer to refrain from withholding Louisiana income tax from their wages. Taxpayers must file a new L-4E annually in order to continue claiming the exemption and must revoke this exemption certificate by completing a Form L-4, *Employee Withholding Exemption Certificate*:

i. within 10 days from the twenty-six day of performing employment duties within the state;

ii. within 10 days from the day you anticipate you will incur Louisiana income tax liability for the current year; or

iii. by the first day of the last month of your current taxable year if you anticipate you will incur Louisiana income tax liability for the following year.

2. Employers.

a. An employer who receives Form L-4E from their employee must retain such form with their records.

b. If a nonresident employee performs employment duties in excess of 25 days within the state, the employer must begin withholding income tax and report such tax on Form L-1, *Employer's Quarterly Return of Louisiana Withholding Tax* beginning in the period in which the twenty-sixth day fell within.

D. Penalty for Failure to Deduct or Withhold Income Tax

1. The Department shall not require the payment of penalties or interest for failing to deduct and withhold income tax for a nonresident employee who does not qualify for the exemption, if the employer meets any of the following conditions:

a. The employer at its sole discretion maintained a time and attendance system specifically designed to allocate employee wages for income tax purposes among all taxing jurisdictions in which the employee performs employment duties for the employer, and the employer relied on data from that system.

b. The employer did not maintain a time and attendance system, and the employer relied on either:

i. its own records, maintained in the regular course of business, of the employee's location;

ii. the employee's reasonable determination of the time the employee expected to spend performing employment duties in this state provided the employer did not have actual knowledge of fraud on the part of the employee in making the determination and provided that the employer and the employee did not collude to evade taxation in making the determination.

2. The department shall require the payment of penalties or interest for failing to deduct and withhold income tax if the employer fails to meet either of the conditions of this subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:112.2, R.S. 47:242(1)(ii), R.S. 47:248, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 48:

Family Impact Statement

The proposed amendments to LAC 61:I.1923, regarding the mobile workforce exemption, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed regulation will have no impact on poverty as described in R.S. 49:973.

Small Business Statement

It is anticipated that this proposed amendment should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic

factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed amendment will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:00 p.m., Wednesday, August, 24, 2022.

Public Hearing

A public hearing will be held on Thursday, August, 25, 2022, at 1:30 p.m. in the LaBelle Room, on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Mobile Workforce Exemption**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The purpose of this proposed amendment is to adopt LAC 61:I.1923, to implement Act 383 of the 2021 Regular Session. Act 383 exempts employers of certain nonresident employees who perform their duties in Louisiana for 25 days or less in a given year from the requirement to withhold individual income tax on the employee's wages, and specifies that wages for such employees is not an item of gross income.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule implementing Act 383 can only serve to reduce individual income tax liabilities in the state. However, the impact on state revenue collections is anticipated to be marginal. No impact on revenue collections of local governmental units is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

No material impacts on costs or economic benefits are anticipated for affected personal or non-governmental groups due to this proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated due to this proposed rule change.

Kevin J. Richard
Secretary
2207#064

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Presidential Disaster Tax Relief Credit, Federal Income Tax Deduction and Withholding by Professional Athletic Teams (LAC 61:I.601, 1307, and 1520)

Under the authority of R.S. 39:100.1, 47:164(D), 287.785, 295, 1511, and 1602.1 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and Acts 395 and 396 of the 2021 Regular Session of the Louisiana Legislature, which became operative on January 1, 2022 due to the passage of Constitutional Amendment Two during the November 13, 2021 election, the Department of Revenue, Policy Services Division, gives notice that rulemaking procedures have been initiated to amend LAC 61:I.601, relative to certain federal disaster tax relief credits, LAC 61:I.1307 relative to the federal income tax deduction, and LAC 61:I.1520(C), relative to the withholding of Louisiana individual income tax by professional athletic teams for nonresident team members who render services to the team within Louisiana.

These proposed amendments would repeal regulations pertaining to Louisiana's federal income tax deduction and federal disaster tax relief credits which became obsolete due to the repeal of R.S. 47:293(4) and R.S. 47:287.85(C)(2). The purpose of LAC 61:I.601 was to declare the Katrina Emergency Tax Relief Act of 2005 and the Gulf Opportunity Zone Act of 2005 as disaster relief credits and provide guidance regarding their applicability in accordance with R.S. 47:293(4), while the purpose of LAC 61:I.1307 was to provide clarification regarding the two options for taxpayers to compute their federal income tax liability deduction when the taxpayer claimed the federal credit for foreign taxes paid pursuant to R.S. 47:297(B). In addition, the proposed amendments make LAC 61:I.1520, which requires periodic withholding for professional athletic teams domiciled outside Louisiana on their nonresident team members, consistent with the new individual income tax rates provided for by Act 395.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 6. Presidential Disaster Relief

§601. Presidential Disaster Relief

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:1511, R.S. 47:287.85(C)(2), R.S. 47:293(3) and R.S. 47:287.785.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:642 (April 2006), amended LR 32:1907 (October 2006), repealed LR 48:

§1307. Federal Income Tax Deduction

Repealed.

AUTHORITY NOTE: Adopted in accordance with 47:293(3), R.S. 47:297(B), R.S. 47:295, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:642 (April 2006), amended LR 32:1907 (October 2006), repealed LR 48:

Chapter 15. Income: Withholding Tax §1520. Withholding by Professional Athletic Teams

A. - B. ...

C. Rate of Withholding. Effective on or after January 1, 2022, the withholding tax rate under this Section shall be 4.25 percent of the compensation attributable to "duty days" spent in Louisiana.

D. - H. ...

AUTHORITY NOTE: Adopted in accordance with R.S. 39:100.1, R.S. 47:164(D), R.S. 47:295, R.S. 47:1511, R.S. 47: 114 and R.S. 47:1602.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 30:91 (January 2004), amended LR 39:104 (January 2013), repromulgated LR 39:330 (February 2013), amended LR 48:

Family Impact Statement

The proposed amendments to LAC 61:I.601, regarding Presidential Disaster Relief, LAC 61:I.1307, regarding the federal income tax deduction, and LAC 61:I.1520(C) regarding the withholding rate for professional athletic teams should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.
3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed regulation will have no impact on poverty as described in R.S. 49:973.

Small Business Statement

It is anticipated that this proposed amendment should not have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed amendment will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Christina Junker, Attorney, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be

received no later than 4:00 p.m., Wednesday, August 24, 2022.

Public Hearing

A public hearing will be held on Thursday, August 25, 2022, at 1:00 p.m. in the LaBelle Room, on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Kevin J. Richard, CPA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Presidential Disaster Tax Relief Credit, Federal Income Tax Deduction and Withholding by Professional Athletic Teams

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The purpose of proposed amendments to LAC 61:I.601 is to remove administrative provisions made obsolete by Acts 395 and 396 of the 2021 Regular Session, 61:I.1307 is to remove administrative provisions made obsolete by Acts 395 of the 2021 Regular Session and Acts 403 of the 2021 Regular Session, and LAC 61:1.1520(C) is to update the individual income tax withholding rate for nonresident professional athletic team members from 4.2% to 4.25%, to ensure consistency with tax rates established in Act 395.

No material impacts on costs borne by state or local governmental units are anticipated due to this proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No material impacts on revenue collections of state or local governmental units are anticipated due to this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

No material impacts on costs or economic benefits are anticipated for affected personal or non-governmental groups due to this proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact on competition or employment is anticipated due to this proposed rule change.

Luke Morris
Deputy Secretary
2207#026

Alan M. Boxberger
Interim Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Daily Take of Crappie on Bayou D'Arbonne Lake
(LAC 76:VII.197)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do provide notice of their intent to amend a Rule (LAC 76:VII.197) by modifying the daily take of crappie on Bayou D'Arbonne Lake. The new daily

take will be 50 fish per person of which no more than 7 fish may exceed 12 inches in length, and the possession limit will be as established in statute. This rule is intended to increase the potential of catching trophy-size crappie by protecting larger fish and allowing for the harvest of smaller fish.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic life

Chapter 1. Freshwater Sports and Commercial Fishing

§197. Crappie Regulations—Daily Take

A. Poverty Point Reservoir (Richland Parish)

1. Daily Limit—25 fish per person:

a. on water possession—same as daily limit per person.

B. Bayou D'Arbonne Lake (Union and Lincoln Parishes) including all areas between the Bayou D'Arbonne spillway structure and Gill's Ferry Landing on D'Arbonne Creek and Hogpen Landing on Corney Creek.

1. Daily Limit—50 fish per person, of which no more than 7 fish may exceed 12 inches total length:

a. on water possession—same as daily limit per person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325(C).

HISTORICAL NOTE: Promulgated in accordance with Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 30:2339 (October 2004), amended LR 38:2941 (November 2012), LR 39:1833 (July 2013), LR 40:2285 (November 2014), LR 48:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed rule to Ryan Daniel, Louisiana Department of Wildlife and Fisheries, 368 CenturyLink Drive, Monroe, LA, 71203-8732, or via e-mail to rdaniel@wlf.la.gov prior to August 30, 2022.

Joe McPherson
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Daily Take of Crappie on Bayou D'Arbonne Lake**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no expenditure impact on state or local governmental units.

The proposed rule change establishes a modified length limit for crappie on Bayou D'Arbonne Lake, maintaining the current daily limit of 50 fish but allowing the harvest of only seven fish over 12 inches long.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have an effect on revenue collections of the Louisiana Department of Wildlife and Fisheries (LDWF) from license fees, nor on other state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is expected to have a minor negative effect on the small number of anglers who catch more than seven crappie that are over 12 inches long during a single day of fishing on Bayou D'Arbonne Lake. Most anglers on the lake harvest fewer than three fish per trip of any legal length and consequently are unlikely to be affected by the proposed rule change. In a sample of 346 anglers on Bayou D'Arbonne Lake in a creel survey administered by the LDWF Inland Fisheries Section, the average number of crappie of any legal length caught was 4.7 fish per trip. The average number harvested or kept was 2.5 fish per trip. Further, most of the crappie present in the lake and harvested by area users are under 12 inches long. Only 27 percent of the Bayou D'Arbonne Lake crappie harvested in the LDWF creel survey were 12-inches or longer. Consequently, the modified length limit constricting the number of harvested fish over 12 inches would affect relatively few angler trips even among the minority that harvested more than seven fish all together.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not expected to have an effect on competition and employment.

Bryan McClinton
Undersecretary
2207#032

Deborah Vivien
Economist
Legislative Fiscal Office

Concurrent Resolutions

CONCURRENT RESOLUTION

House of Representatives House Concurrent Resolution No. 4

Medicaid Reimbursement to Non-State Intermediate Care Facilities for Persons with Intellectual and Developmental Disabilities (LAC 50:VII.32913)

A CONCURRENT RESOLUTION

To amend the Louisiana Department of Health rule, LAC 50:VII.32913.A and C, which provides for Medicaid reimbursement to non-state intermediate care facilities for persons with intellectual and developmental disabilities for resident leave of absence days, and to direct the office of the state register to print the amendments in the Louisiana Administrative Code.

WHEREAS, intermediate care facilities for persons with intellectual and developmental disabilities, known commonly as ICFs, are residential facilities at which children and adults with special needs receive individualized health care and habilitation services; and

WHEREAS, these facilities are regulated under the provisions of Part VI-E of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950 (R.S. 40:2180 et seq.) and Subpart 3 of Part VII of Title 50 of the Louisiana Administrative Code (LAC 50:VII.30101 et seq.); and

WHEREAS, though ICFs are institutional long-term care facilities, many of them implement service-enriched models of care and provide high-quality programs and therapeutic activities that help their residents achieve the greatest degree of independence and best quality of life; and

WHEREAS, the Joint Medicaid Oversight Committee, in the annual report that it submitted to the legislature in January of 2022, documented the ongoing workforce crisis and urgent need for investment in this state's disability services system; and

WHEREAS, ICFs are an integral part of the disability services system and the state Medicaid program overall; and

WHEREAS, the administrative rules of the Louisiana Department of Health which set Medicaid payments to ICFs for resident leave of absence days at a percentage of those facilities' per diem rates on file as of February 19, 2009, are emblematic of what advocates for people with disabilities claim is a pattern of chronic underfunding of the disability services system within the state Medicaid program; and

WHEREAS, increasing Medicaid reimbursement to ICFs for resident leave of absence days is a means of contributing to workforce retention at these facilities; and

WHEREAS, the provisions of R.S. 49:969 authorize the legislature, by concurrent resolution, to suspend, amend, or repeal any rule or regulation adopted by a state department, agency, board, or commission.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 50:VII.32913.A and C are hereby amended to read as follows:

§32913. Leave of Absence Days

A. The reimbursement to non-state ICF/DDs for hospital leave of absence days is 85 percent of the current applicable per diem rate.

* * *

C. Effective for dates of service on or after February 20, 2009, the reimbursement to non-state ICF/DDs for leave of absence days is 85 percent of the current applicable per diem rate on file as of February 19, 2009 provided for in this Chapter.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the office of the state register and to the secretary of the Louisiana Department of Health.

BE IT FURTHER RESOLVED that the office of the state register is hereby directed to have the amendments to LAC 50:VII.32913(A) and (C) printed and incorporated into the Louisiana Administrative Code.

Clay Schexnayder
Speaker of the House of Representatives
and
Patrick Page Cortez
President of the Senate

CONCURRENT RESOLUTION

Senate Senate Concurrent Resolution No. 4

Residential Labor (LAC 46:XXIX.503 and 505)

A CONCURRENT RESOLUTION

To repeal Louisiana State Licensing Board for Contractors rules, LAC 46:XXIX.503 and 505, which generally require any corporation, partnership, individual, or contractor undertaking certain construction of residential buildings or structures to obtain a specialty classification license or subcontract-labor-only license; to direct the office of the state register to print the notice of the repeal in the Louisiana Administrative Code; and to provide for related matters.

WHEREAS, LAC 46:XXIX.503 requires a corporation, partnership, individual, or contractor to obtain a specialty classification license to undertake or oversee the construction of each of the following works on residential buildings and structures, when the value of work performed exceeds seven thousand five hundred dollars, including labor and materials:

- (1) Residential Pile Driving
- (2) Residential Foundations
- (3) Residential Framing
- (4) Residential Roofing
- (5) Residential Masonry/Stucco; and

WHEREAS, licensure for each of the aforementioned specialty classifications requires the applicant to do all of the following:

(1) Successfully complete the business and law examination.

(2) Successfully complete the trade examination for the respective specialty classification.

(3) Provide proof of current general liability and workers' compensation insurance coverage as prescribed by the board; and

WHEREAS, a contractor seeking to obtain a specialty classification license is required, in addition to all other application and licensing requirements, to do the following:

(1) Designate a qualifying party to successfully pass both the open-book business and law examination and respective trade examination.

(2) Provide proof of current general liability and workers' compensation insurance coverage as prescribed by the board; and

WHEREAS, LAC 46:XXIX.505 authorizes a subcontractor who provides "labor only" and works under the direct supervision of a licensed residential building contractor to obtain a subcontract-labor-only specialty classification license in lieu of the specialty classification license required in LAC 46:XXIX.503; and

WHEREAS, a subcontractor seeking to obtain a subcontract-labor-only specialty classification license may be exempt from the trade examination requirement, if the subcontractor does all of the following:

(1) Completes and submits a residential application as prescribed by the board.

(2) Submits an affidavit executed by a licensed residential building contractor attesting to the subcontractor's quality of work and character.

(3) Completes the business and law examination.

(4) Provides proof of current general liability and workers' compensation insurance coverage as prescribed by the board; and

WHEREAS, some citizens of this state believe the construction industry is one of the few remaining industries affording opportunities for workers to learn a trade and earn a living without the expense of a higher education; and

WHEREAS, generally, stakeholders are concerned that specialty classification licensing requirements of the board serve to adversely affect the self-employed contractor and subcontractor, and thus the rules should be repealed; and

WHEREAS, R.S. 49:969 authorizes the legislature, by concurrent resolution, to suspend, amend, or repeal any rule adopted by a state department, agency, board, or commission.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 46:XXIX.503 and 505 are hereby repealed in their entirety.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Office of the State Register and the Louisiana State Licensing Board for Contractors.

BE IT FURTHER RESOLVED that the Office of the State Register is hereby directed to have the repeal of LAC 46:XXIX.503 and 505 printed and incorporated into the *Louisiana Administrative Code* and to transmit a copy of the revised rules to the Louisiana State Licensing Board for Contractors.

Patrick Page Cortez
President of the Senate
and
Clay Schexnayder
Speaker of the House of Representatives

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:			
			Month	Page #				Month	Page #		
46	III.1001,1101,1120,1123,1125,1127	Adopted	Mar.	490	50	XXI.16101,16103,16104	Amended	June	1558		
	III.1102,1103,1109,1113,1117,1119	Amended	Mar.	490		XXI.16105	Repromulgated	June	1558		
	III.1706,2501	Repealed	Mar.	490		XXI.16106,16109,16301,16303,16305,16307	Amended	June	1558		
	XXXIII.120,306,419	Amended	Feb.	298		XXI.16309,16311,16313,16317,16319,16321	Amended	June	1558		
	XL.VI.144	Adopted	Jan.	074		XXI.16323,16325,16327,16329,16333,16335	Amended	June	1558		
	LI.509	Adopted	Feb.	299		XXI.16337,16339,16341,16343,16345,16501	Amended	June	1558		
	LIII.711,913	Adopted	Mar.	494		XXI.16701,16703,16901	Amended	June	1558		
	LIII.521,709,907,1103,2701,2705	Amended	Mar.	494		XXI.16903	Amended	Jan.	042		
	LV.1001,1002	Amended	June	1597		XXI.30101,30103,30105,30107,30109,30301	Repealed	Apr.	1098		
	48	1.4401,4431	Amended	June		1540	XXI.30303,30501,30503,30701,30703,30705	Repealed	Apr.	1098	
		1.5303,5309,5397	Amended	Feb.		301	XXI.30707,30901,30903,30905,30907	Repealed	Apr.	1098	
		1.5415	Adopted	Feb.		301	XXIX.107	Amended	June	1582	
		1.5601,5603,5605,5606,5607,5615,5643,5645	Amended	May		1276	XXXIII.6307	Amended	Apr.	1098	
		1.5669,5673,5677,5691,5695,5697,5698,5699	Amended	May		1276	55	III.108	Amended	Mar.	503
		1.5670,5684,5692,5712	Adopted	May		1276		VII.807	Amended	Jan.	073
1.5701,5703,5705,5707,5709,5711,5723,5725		Amended	May	1276	56	I.117,119		Amended	Jan.	044	
1.5727,5729		Amended	May	1276		I.303,503		Amended	June	1588	
1.6882		Amended	Mar.	497		V.707,1107		Amended	June	1502	
1.9336		Adopted	June	1580	V.1301,1303,1305	Adopted		June	1502		
1.9391		Amended	June	1580	61	I.1304,1305,1520		Amended	Mar.	507	
1.9573		Adopted	Mar.	498		I.1515		Amended	May	1294	
1.9767		Amended	May	1289		I.1525		Amended	Mar.	503	
1.12529		Amended	Feb.	302		I.1921		Adopted	Mar.	504	
V.6303		Amended	Mar.	501		I.4427		Adopted	Mar.	506	
49	1.501,517,519,523,525,527,531,533	Amended	May	1290		L.6101,6103,6105,6107,6109,6119		Amended	June	1494	
	1.501	Repromulgated	June	1583	L.6111,6115,6117,6121	Repealed		June	1494		
	1.529	Adopted	May	1290	L.6763,6765,6767,6768	Amended		Mar.	406		
	50	II.20003	Amended	Feb.	303	L.6991,6992,6993,6994,6997		Amended	Mar.	407	
		III.2315,2327	Amended	Mar.	499	L.6995,6996,6998	Repealed	Mar.	407		
III.2330		Adopted	Mar.	499	III.1507,2505	Amended	Apr.	1106			
VII.32901		Amended	June	1581	III.1527	Amended	Mar.	507			
IX.15113		Amended	Apr.	1100	V.100,111,113,117,118,121,123,203,213,301	Amended	June	1516			
XII.101,151,169,177,319,335,1905		Amended	Apr.	1101	V.303,304,307,703,903,907,1103,1307,1503	Amended	June	1516			
XII.401,403,405,407,409,411		Adopted	Apr.	1101	V.2501,2503,3101,3103,3105,3106,3107,3501	Amended	June	1516			
XV.16303		Amended	Mar.	499	V.3102	Adopted	June	1516			
XXI.5301		Amended	June	1574	67	III.1953,1987,5571	Amended	June	1459		
XXI.5303		Adopted	June	1574		VII.101,103,107,109,110,115,117,207,213	Amended	Feb.	304		
XXI.5501,5503,5505,5701,5703,5705,5707		Amended	June	1574		VII.109	Repromulgated	Mar.	518		
XXI.5709,5713,5715,5717,5719,5721,5901		Amended	June	1574		VII.219,223,505,507,1501,1503,1505,1713	Amended	Feb.	304		
XXI.5903,6101		Amended	June	1574		VII.1717,1723,1735,2105,2115	Amended	Feb.	304		
XXI.6101		Amended	Jan.	043		76	I.312	Amended	Apr.	1107	
XXI.11105,11301,11303,11501,11529,12101		Amended	June	1543	III.111,113		Adopted	June	1589		
XXI.12301	Amended	June	1543	III.331,335,337,339	Amended		June	1589			
XXI.12101	Amended	Jan.	040	V.701	Amended		Mar.	508			
XXI.13701,13702,13703,13704,13705,13706	Amended	June	1545	VII.307	Amended		June	1588			
XXI.13707,13901,13902,13903,13905,13907	Amended	June	1545	VII.377	Amended		May	1295			
XXI.13909,13911,13913,13915,13917,13919	Amended	June	1545	VII.900,901,903,911,913,915,919	Amended		Mar.	509			
XXI.13921,13923,13925,13927,13929,13931	Amended	June	1545	XIX.111	Amended		Mar.	511			
XXI.13935,13937,14101,14202,14301	Amended	June	1545								
XXI.13939,13941	Adopted	June	1545								
XXI.14301	Amended	Jan.	041								

Potpourri

POTPOURRI

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

Approved Termiticides and Manufacturers

The Louisiana Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, hereby gives notice of the list of termiticides and manufacturers that have been approved by the Structural Pest Control Commission for use in Louisiana.

Approved Termiticides and Manufacturers			
Product	EPA Reg. No.	Percentage	Manufacturer
Advion WDG (Indoxacarb)	100-1501	0.05% - 0.10%	Syngenta
Altriset (Chlorantraniliprole)	100-1503	0.05% - 0.10%	Syngenta
Baseline (Bifenthrin)	279-3177	0.06% - 0.12%	FMC
Bifen XTS (Bifenthrin)	53883-189	0.06% - 0.12%	Control Solutions
Bifen IT (Bifenthrin)	53883-118	0.06% - 0.12%	Control Solutions
Bora-Care (Disodium Octaborate Tetrahydrate)	83465-1-64405	23%	Nisus
Borathor (Disodium Octaborate Tetrahydrate)	81824-8	5.0% - 15.0%	Ensysytem II, Inc.
Centerfire 75 WSP (Imidacloprid)	432-1332	0.05% - 0.10%	Bayer
Cyper TC (Cypermethrin)	53883-92	0.25% - 1.00%	Control Solutions
Demon MAX (Cypermethrin)	100-1218	0.25% - 1.00%	Syngenta
Dominion PT (Imidacloprid)	53883-237	0.05% - 0.10%	Control Solutions
Dominion 2L (Imidacloprid)	53883-229	0.05% - 0.10%	Control Solutions
Dragnet SFR (Permethrin)	279-3062	0.05% - 2.0%	FMC
Fuse (Imidacloprid / Fipronil)	53883-328	0.067% - 0.13%	Control Solutions
Fuse Foam (Fipronil/Imidacloprid)	53883-462	0.005% & 0.025%	Control Solutions
MasterLine Bifenthrin 7.9 (Bifenthrin)	73748-7	0.06% - 0.12%	Veseris
MasterLine B MaxxPro (Bifenthrin)	279-3206-73748	0.06% - 0.12%	Veseris
MasterLine I MaxxDual (Imidacloprid)	432-1600-73748	.005% - 0.10%	Veseris
MasterLine I MaxxPro WSP (Imidacloprid)	73748-8	0.05% - 0.10%	Veseris
MasterLine I MaxxPro 2F (Imidacloprid)	73748-9	0.05% - 0.10%	Veseris

Approved Termiticides and Manufacturers			
Product	EPA Reg. No.	Percentage	Manufacturer
Maxxthor SC (Bifenthrin)	81824-5	0.06% - 0.12%	Ensysytem II, Inc.
Navigator SC (Fipronil)	93182-23	0.06% - 0.125%	Gharda Chemicals International
Permethrin SFR (Permethrin)	70506-6-53883	0.50% - 2.00%	Control Solutions
Phantom (Chlorfenapyr)	241-392	0.063% - 0.25%	BASF
Prelude (Permethrin)	5481-550	0.50% - 2.00%	AMVAC
Premise 75 WSP (Imidacloprid)	432-1332	0.05% - 0.10%	Bayer
Premise 2 (Imidacloprid)	432-1331	0.05% - 0.10%	Bayer
Premise Foam (Imidacloprid)	432-1391	0.05%	Bayer
Premise Pre-Construction (Imidacloprid)	432-1331	0.05% - 0.10%	Bayer
Premise Pro (Imidacloprid)	432-1449	0.05% - 0.10%	Bayer
Prothor SC (Imidacloprid)	83923-4	0.05% - 0.10%	Ensysytem III, Inc.
Prothor WSP (Imidacloprid)	82957-2	0.05% - 0.10%	Ensysytem III, Inc.
Talstar P (Bifenthrin)	279-3206	0.06% - 0.12%	FMC
Taurus Dry (Fipronil)	53883-476	0.1 - 3.0 grams	Control Solutions
Taurus SC (Fipronil)	53883-279	0.06% - 0.125%	Control Solutions
Tengard SFR (Permethrin)	70506-6	0.50% - 2.00%	United Phosphorus
Termidor Dry (Fipronil)	499-546	0.5%	BASF
Termidor Foam (Fipronil)	499-563	0.005%	BASF
Termidor HE (Fipronil)	7969-329	0.06% - 0.125%	BASF
Termidor HP (Fipronil)	7969-354	0.06% - 0.125%	BASF
Termidor HP II (Fipronil)	7969-400	0.125%	BASF
Termidor SC (Fipronil)	7969-210	0.06% - 0.125%	BASF
Termidor 80WG (Fipronil)	7969-209	0.06% - 0.125%	BASF
Totality (Bifenthrin)	279-3281	0.6%	FMC
Transport (Acetamiprid)(Bifenthrin)	8033-96-279	0.11%	FMC
Transport Mikron Insecticide (Acetamiprid / Bifenthrin)	8033-109-279	0.054% - 0.11%	FMC
UP-Cyde Pro 2.0 EC (Cypermethrin)	70506-19	0.25% - 1.0%	United Phosphorus
Wisdom TC Flowable (Bifenthrin)	5481-520	0.06% - 0.12%	AMVAC

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Public Hearing—Premier Environmental, LLC - Bohemia Facility, Plaquemines Parish (Docket No. IMD 2022-01)

Pursuant to provisions of the laws of the State of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950 as amended, and provisions of Statewide Order No. 29-N-1 and Statewide Order No. 29-B, notice is hereby given that the Commissioner of Conservation will conduct a public hearing at 5:00 P.M., August 25, 2022. The hearing will be held in the Port Sulphur Community Center at 278 Civic Drive, Port Sulphur, LA 70083.

At such hearing, the commissioner or his designated representative will give any interested person the opportunity to present testimony, facts, or oral or written comments relative the application by Premier Environmental, LLC (Premier) of 20200 Louisiana Highway 39, Pointe à la Hache, LA, to convert and operate one existing Class I nonhazardous waste disposal (injection) well for disposal of industrial, nonhazardous liquid wastes and exploration and production (E&P) waste fluids at the Premier Environmental, LLC – Bohemia Facility, in Section 1, Township 17 South, Range 15 East, in Pointe à la Hache, LA 70082.

The proposed conversion well is identified as S G Haller Waste Disposal Well No. 001, Serial Number 973303. Waste water disposal is proposed to occur initially at a depth of 4,750 feet to 4,770 feet below ground level (bgl) within a disposal zone of 2,390 feet to 4,770 feet bgl. The base of the lowermost underground source of drinking water (USDW) at the specific facility location occurs at an approximate depth of 510 feet below land surface.

A copy of the draft permit (Order) or information concerning the application may be obtained by writing to the person at the address below or by calling (225) 342-5515. Written comments concerning the application must be received by the Office of Conservation no later than 4:30 P.M., August 26, 2022. Submit all comments to: Laura Sorey, Office of Conservation, Injection and Mining Division, 617 North Third Street, Ninth Floor, Baton Rouge, LA 70802. Comments may also be e-mailed to Injection-Mining@la.gov. Please reference: Premier Environmental Class I Permit, Application Number 41382, Docket No. IMD 2022-01.

The application is available for inspection between 8:00 A.M. and 4:30 P.M., Monday through Friday in the Injection & Mining Division Office, Rm. 817, of the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA, and on the Louisiana Department of Natural Resources, Conservation website. A copy of the application is also available at the Plaquemines Parish Courthouse located at 18039 Highway 15, Point à la Hache, LA 70082, and Plaquemines Parish Public Library, Port Sulphur Branch, located at 139 Delta Street, Port Sulphur, LA 70083.

All persons having interest in the aforesaid shall take notice thereof.

Richard P. Ieyoub
Commissioner

2207#025

Baits		
Product	EPA Reg. No.	Manufacturer
Advance Compressed Termite Bait II (Diflubenzuron)	499-500	BASF
Isophor Termite Bait (Diflubenzuron)	68850-2	Ensystem, Inc.
Labyrinth (Diflubenzuron)	68850-2	Ensystem, Inc.
Labyrinth AC (Diflubenzuron)	68850-2	Ensystem, Inc.
Recruit AG FlexPack (Noviflumuron)	62719-652	Dow AgroSciences
Recruit IV (Noviflumuron)	62719-453	Dow AgroSciences
Recruit IV AG (Noviflumuron)	62719-454	Dow AgroSciences
Recruit HD (Noviflumuron)	62719-608	Dow AgroSciences
Shatter (Hexaflumuron)	62719-272	Dow AgroSciences
Trelona Compressed Termite Bait (Novaluron)	499-557	BASF
Trelona ATBS Annual Bait Stations	499-557	BASF
Trelona ATBS Direct Bait Kit (Novaluron)	499-557	BASF
Trelona ATBS Direct Bait Stations (Novaluron)	499-557	BASF
Trelona ATBS Home Monitoring Kit (Novaluron)	499-557	BASF

Mike Strain, DVM
Commissioner

2207#008

POTPOURRI

**Department of Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Bonner & Carter	Caddo Pine Island	S	Gamm B	001	139543
Delta Drilling Co. et al	Mermentau, West	L	Johnson-Boudreaux swd	001	28396
Harvest Oil & Gas, LLC	Crooked Bayou	L	Winifred G Smith et al swd	002	226149(30)
W. D. Chew	Caddo Pine Island	S	T S Spell	001	19064

Richard P. Ieyoub
Commissioner

2207#027

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