

# Rules

## RULE

### Department of Civil Service Board of Ethics

Records and Reports; Filing  
(LAC 52:I.1301, 1311, 1604, and 1801-1805)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Louisiana Board of Ethics, promulgated amendments and changes to the Rules for the Board of Ethics to permit the electronic filing of reports with the Board of Ethics Data Management System as mandated by Louisiana Revised Statute 42:1158A(2)(b).

#### Title 52 ETHICS

#### Part I. Board of Ethics

#### Chapter 13. Records and Reports

##### §1301. Custodian

The executive secretary shall be the custodian of all records, reports, and files, including electronic reports and files of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 25:24 (January 1999).

##### §1311. Records and Reports; Accepting and Filing

Any record or report submitted pursuant to this Chapter shall be accepted and filed upon receipt by the staff or upon acknowledgment of receipt by the board's electronic filing system, unless the record or report is not in compliance with the requirements established by this Chapter or by law. The names of the persons submitting records and reports which are accepted and filed shall be listed on the board's agenda. The records and reports which are not in compliance with the requirements established by this Chapter or by law shall be placed upon the board's agenda for further action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:100 (October 1997), amended LR 25:24 (January 1999).

#### Chapter 16. The Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act

##### §1604. Registration and Reporting; Forms

A. The staff shall prepare and provide upon request, forms for the registration and reporting by political committees and reporting by candidates. The forms may be provided on paper or in electronic format.

\* \* \*

C. The method of signature for reports electronically filed shall be as provided in §1803.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1302 (October 1997), amended LR 25:24 (January 1999).

#### Chapter 18. Electronic Filing

##### §1801. In General

The board recognizes the importance of immediate public access to publicly disclosed information. Accordingly, the board has implemented a system to allow ethics, lobbyist, and campaign finance disclosure reports to be electronically filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999).

##### §1802. Methods of Filing

The board may allow reports to be electronically filed via modem, diskette, or through Internet access.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999).

##### §1803. Validation of Reports

A. Upon receipt of an electronically filed report, the staff of the board shall cause a validation of receipt to be sent to the filer via facsimile, electronic mail, or United States mail.

B. Electronically filed reports shall include a digital signature created according to the methodology included in the board's electronic filing system.

C. Reports required to be filed under oath may be submitted electronically, with the original notarized report hand delivered or mailed, by United States mail, no later than the next working day following the due date of the required report.

D. Reports required to be accompanied by a filing fee may be submitted electronically, with the filing fee hand delivered or mailed, by United States mail no later than the next working day following the due date of the required report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999).

##### §1804. Time of Filing

A report electronically filed shall be deemed timely if received electronically by midnight on the filing deadline. The system time of the board's system shall control in the event of a dispute as to the time of receipt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999).

##### §1805. Refusal of Electronic Reports

The staff of the board may refuse to accept for filing an electronic report that contains a computer virus which could compromise the computer system of the board. The filer shall be immediately notified of the refusal so that an alternative method of delivery may be attempted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999).

R. Gary Sexton  
Administrator

9901#024

**RULE**

**Department of Economic Development  
Racing Commission**

Field Less Than Six (LAC 35:XIII.11115)

The Racing Commission hereby adopts the following rule.

**Title 35**

**HORSE RACING**

**Part XIII. Wagering**

**Chapter 111. Trifecta Wagering**

**§11115. Field Less Than Six**

A. Trifecta wagering will be permitted when the number of scheduled starters in a thoroughbred or quarter horse race is six or more. A late scratch after wagering begins on that race will not cancel trifecta wagering.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985), amended by the Department of Economic Development, Racing Commission, LR 18:366 (April 1992), LR 22:13 (January 1996), LR 25:25 (January 1999).

Paul D. Burgess  
Executive Director

9901#013

**RULE**

**Department of Environmental Quality  
Office of the Secretary**

Risk Evaluation/Corrective Action Program  
(LAC 33:V.3309)

*(Editor's Note: The following paragraphs of a rule, which appeared on page 2247 of the Louisiana Register, December, 1998, is being republished since a portion was inadvertently omitted.)*

**Chapter 33. Groundwater Protection**

**§3309. Concentration Limits**

\* \* \*

[See Prior Text in A - Table 1, Note 1]

B. The administrative authority may establish an alternate concentration limit for a hazardous constituent if he finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. The establishment of such alternative concentration limits shall be in accordance with LAC 33:I.Chapter 13. In establishing

alternate concentration limits, the administrative authority will consider the following factors:

1. potential adverse effects on groundwater quality, considering:

a. the physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

b. the hydrogeological characteristics of the facility and surrounding land;

c. the quantity of groundwater and the direction of groundwater flow;

d. the proximity and withdrawal rates of groundwater users;

e. the current and future uses of groundwater in the area;

f. the existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

g. the potential for health risks caused by human exposure to waste constituents;

h. the potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

i. the persistence and permanence of the potential adverse effects; and

2. potential adverse effects on hydraulically-connected surface water quality, considering:

a. the volume and physical and chemical characteristics of the waste in the regulated unit;

b. the hydrogeological characteristics of the facility and surrounding land;

c. the quantity and quality of groundwater and the direction of groundwater flow;

d. the patterns of rainfall in the region;

e. the proximity of the regulated unit to surface waters;

f. the current and future uses of surface waters in the area and any water quality standards established for those surface waters;

g. the existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

h. the potential for health risks caused by human exposure to waste constituents;

i. the potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

j. the persistence and permanence of the potential adverse effects.

C. In making any determination under Subsection B of this Section about the use of groundwater in the area around the facility, the administrative authority will consider any identification of underground sources of drinking water and exempted aquifers identified in the permit application under LAC 33:V.Chapter 3. Any identification of underground sources of drinking water shall be in accordance with LAC 33:I.Chapter 13.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 10:496 (July 1984), LR 16:614 (July 1990), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:684 (April 1998), amended by the Office of the Secretary, LR 24:2247 (December 1998), repromulgated LR 25:25 (January 1999).

Herman Robinson  
Assistant Secretary

9901#050

**RULE**

**Office of the Governor  
Crime Victims Reparation Board**

Award Limits (LAC 22:XIII.503)

In accordance with the provisions of R.S.46:1801 et seq., the Crime Victims Reparations Act, and R.S. 49:950 et seq., the Administrative Procedure Act, the Crime Victims Reparations Board hereby promulgates rules and regulations relative to the awarding of compensation to applicants.

**Title 22**

**CORRECTIONS, CRIMINAL JUSTICE AND LAW  
ENFORCEMENT**

**Part XIII. Crime Victims Reparations Board**

**Chapter 1. Authority and Definitions**

**§503. Limits on Awards**

A.1. ...

2. All applications filed as the result of the death of a victim will be assigned one claim number with the deceased listed as the *primary* victim. Each additional claimant and/or *secondary victim* must submit a separate application with the appropriate claim form(s) and supporting documents. The aggregate claims arising out of the same crime will be subject to the maximum amount authorized by law.

B. ...

C. Funeral Expenses

1. The board will reimburse up to a maximum of \$3,500 to cover reasonable expenses actually incurred for the funeral, burial or cremation.

2. Death and/or burial insurance taken out specifically for the purpose of burial must pay first. The amount of life insurance proceeds paid may be considered as a collateral source.

3. Repealed.

D. ...

E. Loss of Support

1. - 2. ...

3. The board will reimburse loss of support with a maximum of \$10,000.

a. The board may award loss of support up to the maximum amount per week authorized for lost wages in §503.D.4. That amount is based on net, after-tax, or take home pay.

b. When only gross income is provided by a claimant, then the board will award the loss of support at 80 percent of the amount authorized in §503.D.4 for lost wages.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended LR 24:328 (February 1998), LR 25:26 (January 1999).

Lamarr Davis  
Chairman

9901#042

**RULE**

**Office of the Governor  
Office of Elderly Affairs**

FY 1998-99 State Plan on Aging  
(LAC 4:VII.1317)

In accordance with Louisiana Revised Statutes 49:950 et seq., the Administrative Procedure Act, the Governor's Office of Elderly Affairs (GOEA) hereby amends LAC 4:VII.1317, the FY 1998-1999 Louisiana State Plan on Aging, effective January 1, 1999. This rule change is in accordance with the Code of Federal Regulation, 45 CFR 1321.19 "Amendments to the State Plan," and 45 CFR 1321.35 "Withdrawal of Area Agency Designation," (Vol. 53. Number 169 pages 33769 and 33770). The purposes of this rule change are:

1. to reverse the designation of the Governor's Office of Elderly Affairs as the Area Agency on Aging for the Planning and Service Area (PSA) of Tensas parish;

2. to designate Tensas parish as a Planning and Service Area;

3. to designate North Delta Regional Planning and Development District, Inc. as the Area Agency on Aging for Tensas PSA.

The FY 1998-1999 Louisiana State Plan on Aging was adopted and published by reference in the September 20, 1997 issue of the Louisiana Register, Volume 23, Number 9. The full text of the State Plan may be obtained by contacting the GOEA at the address below or the Office of the State Register at 1051 North Third Street, Room 512, Baton Rouge, LA 70802, telephone (225) 342-5015.

**Title 4**

**ADMINISTRATION**

**Part VII. Governor's Office**

**Chapter 13. State Plan on Aging**

**§1317. Area Agencies on Aging**

Area Agency on Aging	Planning and Service Area (Parishes Served)
Allen COA	Allen
Beauregard COA	Beauregard
Bienville COA	Bienville
Bossier COA	Bossier

Caddo COA	Caddo
CAJUN Area Agency on Aging (AAA)	Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, Vermilion
Calcasieu COA	Calcasieu
Caldwell COA	Caldwell
Cameron COA	Cameron
Capital Area Agency on Aging (AAA)	Ascension, Assumption, East Feliciana, Iberville, Pointe Coupee, St. Helena, Tangipahoa, Washington, West Baton Rouge, West Feliciana
CENLA Area Agency on Aging (AAA)	Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Winn
Claiborne COA	Claiborne
DeSota COA	DeSota
East Baton Rouge COA	East Baton Rouge
Jefferson COA	Jefferson
Jefferson Davis COA	Jefferson Davis
Lafourche COA	Lafourche
Lincoln COA	Lincoln
Livingston COA	Livingston
Madison COA	Madison
Morehouse COA	Morehouse
Natchitoches COA	Natchitoches
North Delta (AAA)	East Carroll, Franklin, Jackson, Richland, Tensas, Union
New Orleans COA	Orleans
Ouachita COA	Ouachita
Plaquemines COA	Plaquemines
Red River COA	Red River
Sabine COA	Sabine
St. Bernard COA	St. Bernard
St. Charles COA	St. Charles
St. James AAA	St. James
St. John COA	St. John
St. Tammany COA	St. Tammany
Terrebonne COA	Terrebonne
Vernon COA	Vernon
Webster COA	Webster
West Carroll COA	West Carroll

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 19:1317 (October 1993), repealed and promulgated by the Office of the Governor, Office of Elderly Affairs, LR 23:1146 (September 1997) amended LR 24:1110, (June 1998), LR 25:26 (January 1999).

Paul F. "Pete" Arceneaux, Jr.  
Executive Director

9901#075

## RULE

### Department of Health and Hospitals Board of Medical Examiners

Physician Assistants; Licensing and Practice  
(LAC 46:XLV.1501-1519; 4501-4515)

Notice is hereby given, in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners, pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1270(B) and the Physician Assistants Practice Act, R.S. 37:1360.23(B) and (F), and in accordance with the applicable provisions of the Administrative Procedure Act, has amended its rules governing licensure and practice of physician assistants, LAC 46:XLV, Subpart 2, Chapter 15, §§1501-1519, Subpart 3, Chapter 45, §§4501-4515, to conform such rules to the statutory law providing for the licensing and regulation of practice of physician assistants, as amended by Acts 1997, Number 316, R.S. 37:1360.21-1360.38. The rule amendments are set forth below.

### Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Profession

#### Subpart 2. Licensing and Certification

#### Chapter 15. Physician Assistants

#### §1501. Scope of Chapter

These rules govern the licensure of physician assistants in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:27 (January 1999).

#### §1503. Definitions

As used in this Chapter, the following terms shall have the meanings specified:

*Advisory Committee*—the Louisiana State Board of Medical Examiners Physician Assistants Advisory Committee constituted under R.S. 37:1270.1.

*Applicant*—a person on whose behalf the board has received an application for licensure as a physician assistant.

*Approved Application*—all of the information, representations, terms, restrictions, and documents contained

in or submitted with an application upon which the board has issued a physician assistant license.

*Board*—the Louisiana State Board of Medical Examiners.

*Locum Tenens Physician*—a qualified physician who will assume the obligations and responsibilities of the supervising physician when the supervising physician is absent or unavailable as a result of illness, medical emergency or other causes.

*Physician*—a person possessing a current license to practice medicine in the state of Louisiana.

*Physician Assistant (PA)*—an individual licensed under the Act and this Chapter. As members of the health care team, physician assistants provide a broad range of medical services that would otherwise be provided by physicians.

*Physician Assistant—Certified (PA-C)*—a physician assistant who is currently certified by the National Commission on Certificate of Physician Assistants (NCCPA) or its successors.

*Protocols or Clinical Practice Guidelines*—a written set of directives or instructions regarding routine medical conditions, to be followed by a physician assistant in patient care activities. All protocols and clinical practice guidelines shall be written by the supervising directing their use. The Advisory Committee shall periodically publish and disseminate to supervising physicians and all physician assistants, model forms and examples of clinical practice guidelines and protocols. A supervising physician who employs clinical practice guidelines or protocols, shall maintain a written copy of such clinical practice guidelines and protocols in each office location that the supervising physician practices. Such written clinical practice guidelines and protocols shall be available for inspection by authorized representatives of the board.

*Supervising Group of Physicians or Supervising Group*—a professional partnership, professional corporation, or other professional, physician-owned entity approved by and registered with the board under this Chapter to supervise one or more physician assistants. For the purposes of this definition the term “physician-owned entity” does not mean the type of entity defined in R.S. 37:1360.22(3).

*Supervising Physician*—a physician approved by and registered with the board under this Chapter to supervise a physician assistant.

*Supervision*—responsible direction and control, with the supervising physician assuming legal liability for the services rendered by the physician assistant in the course and scope of the physician assistant’s employment. Such supervision shall not be construed in every case to require the physical presence of the supervising physician. However, the supervising physician and physician assistant must have the capability to be in contact with each other by either telephone or other telecommunications device. Supervision shall exist when the supervising physician responsible for the patient gives informed concurrence of the actions of the physician assistant, whether given prior to or after the action, and when a medical treatment plan or action is made in accordance with written clinical practice guidelines or protocols set forth by the supervising physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D)and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:27 (January 1999).

#### **§1505. Necessity for License**

A. No person may act as or undertake to perform the functions of a physician assistant unless he has in his personal possession a current physician assistant license issued to him under this Chapter.

B. Any person who acts or undertakes to perform the functions of a physician assistant without a current physician assistant license issued under this Chapter shall be deemed to be engaging in the practice of medicine; provided, however, that none of the provisions of this Chapter shall apply to:

1. any person employed by, and acting under the supervision and direction of, any commissioned physician or surgeon of the United States Armed Services, or Public Health Services, practicing in the discharge of his official duties;

2. practitioners of allied health fields, duly licensed, certified, or registered under other laws of this state, when practicing within the scope of such license, certificate or registration;

3. any physician assistant student enrolled in a physician assistant educational program accredited by the Advisory Committee on Allied Health Education and Accreditation or its successor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D)and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:28 (January 1999).

#### **§1507. Qualifications for Licensure**

A. To be eligible for licensure under this Chapter, an applicant shall:

1. be at least 20 years of age;

2. be of good moral character;

3. demonstrate his competence to provide patient services under the supervision and direction of a supervising physician by:

a. presenting to the board a valid diploma certifying that the applicant is a graduate of a physician assistant training program accredited by the Committee on Allied Health Education and Accreditation (CAHEA), or its successors, and by presenting or causing to be presented to the board satisfactory evidence that the applicant has successfully passed the national certification examination administered by the National Commission on Certificate of Physician Assistants (NCCPA) or its successors, together with satisfactory documentation of current certification; or

b. presenting to the board a valid, current physician assistant license, certificate or permit issued by any other state of the United States; provided, however, that the board is satisfied that the certificate, license or permit presented was issued upon qualifications and other requirements substantially

equivalent to the qualifications and other requirements set forth in this Chapter;

4. certify that he is mentally and physically able to engage in practice as a physician assistant;

5. not, as of the date of application or the date on which it is considered by the board, be subject to discipline, revocation, suspension, or probation of certification or licensure in any jurisdiction for cause resulting from the applicant's practice as a physician assistant; provided, however, that this qualification may be waived by the board in its sole discretion.

B. The burden of satisfying the board as to the eligibility of the applicant for licensure shall be upon the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:28 (January 1999).

### **§1508. Qualifications for Registration as Supervising Physician**

A. To be eligible for approval and registration under this Chapter, a proposed supervising physician shall, as of the date of the application:

1. hold an unrestricted license to practice medicine in the state of Louisiana; and

2. have been in the active practice of medicine for not less than three years following the date on which the physician was awarded a doctor of medicine or doctor of osteopathy degree.

B. The burden of satisfying the board as to the eligibility of the proposed supervising physician for approval and registration shall be upon the proposed supervising physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(b)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:202 (March 1996), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:29 (January 1999).

### **§1509. Application for Licensure; Procedure**

A. Application for licensure as a physician assistant must be made upon forms supplied by the board and must include:

1. proof, documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in §1507 of this Chapter;

2. an affidavit, notarized and properly executed by the applicant, certifying the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;

3. payment of a fee of \$155, of which the sum of \$20 will represent a nonrefundable processing fee; and

4. such other information and documentation as the board may require.

B. A personal interview of a physician assistant applicant by a member of the board or its designee may be required by the board, as a condition of licensure, with respect to:

1. an initial application for licensure where discrepancies exist in the application; or

2. an applicant who has been the subject of prior adverse

licensure, certification or registration action in any jurisdiction.

C. All documents required to be submitted to the board must be the original or certified copy thereof. For good cause shown, the board may waive or modify this requirement.

D. The board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:110 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1103 (November 1991), LR 22:202 (March 1996), LR 25:29 (January 1999).

### **§1510. Application for Registration as Supervising Physician; Procedure**

A. Application for approval and registration as a supervising physician must be made upon forms supplied by the board and must include:

1. a detailed description of the proposed supervising physician's professional background and specialty, if any; the nature and scope of his medical practice; the geographic and demographic characteristics of his medical practice; the address or location of the primary office where the physician assistant is to practice and be supervised;

2. a description of the way in which the physician assistant will be utilized as a physician assistant, and the methods to be used by the proposed supervising physician to insure responsible direction and control of the activities of the physician assistant;

3. a statement that the physician will exercise supervision over the physician assistant in accordance with any rules and regulations adopted by the board and that the physician will retain professional and legal responsibility for the care rendered by the physician assistant;

4. an affidavit, notarized and properly executed by the proposed supervising physician, certifying the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;

5. payment of a one-time fee of \$75, of which the sum of \$20 will represent a nonrefundable processing fee; and

6. such other information and documentation as the board may require.

B. A physician seeking to supervise a physician assistant shall be required to appear before the board upon his notification to the board of his intention to supervise a physician assistant:

1. upon a first notification to the board of the physician's intention to supervise a physician's assistant if the board finds discrepancies in the physician's application; or

2. if the physician has been the subject of prior adverse licensure, certification or registration action in any jurisdiction.

C. All documents required to be submitted to the board

must be the original or certified copy thereof. For good cause shown, the board may waive or modify this requirement.

D. The board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

E. Any physician seeking to supervise a physician assistant as either primary supervising physician or as locum tenens must register with the board as provided herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:202 (March 1996), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:29 (January 1999).

#### **§1511. Physician Assistant Advisory Committee**

A. The advisory committee shall be authorized to advise the board on all matters specifically dealing with licensing or disciplining of physician assistants or the drafting and promulgating of regulations relating to physician assistants. The advisory committee shall also review and make recommendations to the board on applications for licensure as physician assistants. The board shall not act on any matter relating to physician assistants without first consulting with the advisory committee.

B. The advisory committee shall meet not less than twice each calendar year, or more frequently as may be deemed necessary or appropriate by its chairman or a majority of the members of the advisory committee, which meetings shall be at the call of and at such time and place as may be noticed by its chairman.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:110 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1103 (November 1991), LR 22:203 (March 1996), LR 25:30 (January 1999).

#### **§1513. Issuance of License; Working Permit**

A. If the qualifications, requirements and procedures of §§1507 and 1509 are met to the satisfaction of the board, the board shall license the applicant as a physician assistant.

B. The board may grant a working permit (temporary license), valid and effective for one year but renewable for one additional year, to an applicant who otherwise meets the qualifications for licensure, except that the applicant has not yet taken or is awaiting the results of the national certification examination.

C. A working permit shall expire and become null and void on the date on which:

1. the results of the applicant's national certifying examination are available, and the applicant has failed to pass such examination; or

2. the board takes final action on the applicant's application for licensure.

D. Every license or permit issued under this Chapter is

expressly subject to the terms, restrictions and limitations set forth in the approved application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:110 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1103 (November 1991), LR 22:203 (March 1996), LR 25:30 (January 1999).

#### **§1514. Issuance of Approval as Supervising Physician**

A. If all the qualifications, requirements and procedures of §§1508 and 1510 are met to the satisfaction of the board, the board shall approve and register a physician as a supervising physician.

B. Although a physician must notify the board each time the physician intends to undertake the supervision of a physician assistant, registration with the board is only required once. Notification of supervision of a new physician assistant by a registered supervising physician shall be deemed given to the board upon the physician assistant's filing with the board a notice of intent to practice in accordance with §1517 of this Chapter. The board shall maintain a list of physicians who are registered to supervise physician assistants. Each registered physician is responsible for updating the board should any of the information required and submitted in accordance with §§1508 and 1510 change after the physician has become registered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D), (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:203 (March 1996), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:30 (January 1999).

#### **§1515. Consent to Examination; Waiver of Privileges; Examining Committee of Physicians**

A. An applicant or physician assistant shall, by applying for or accepting licensure under this Chapter, be deemed to have given his consent to submit to physical or mental examinations when so directed by the board and to waive all objections as to the disclosure or admissibility of findings, reports, or recommendations pertaining thereto on the grounds of privileged communication or other personal privileges provided by law.

B. The board may appoint or designate an examining committee of physicians, possessing appropriate qualifications, to conduct physical and mental examinations of a physician assistant, to otherwise inquire into the physician assistant's fitness and ability to provide services with reasonable skill and safety to patients, and to submit advisory reports and recommendations to the board, when the board has reasonable cause to believe that the fitness and ability of such physician assistant are affected by mental illness or deficiency or physical illness, including but not limited to deterioration through the aging process or the loss of motor skills, and/or excessive use or abuse of drugs, including alcohol.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:111 (April 1978),

amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 22:203 (March 1996), LR 25:30 (January 1999).

**§1517. Expiration of Licensure; Renewals; Modification; Notification of Intent to Practice**

A. Initial licensure shall expire as of the last day of the year in which such license was issued.

B. Notwithstanding the provisions of §1517.A, every license issued under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born. Every license issued under this Chapter shall be renewed on or before December 31, 1998 for the year 1999, as well as through the first day of the month in which the licensee was born in the year 2000, and each year thereafter, by submitting to the board an application for renewal upon forms supplied by the board, together with satisfactory documentation of current certification by the National Commission on Certificate of Physicians Assistants. Each application for renewal shall be accompanied by a fee of \$100. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. A physician assistant licensed in this state, prior to initiating practice, shall submit, on forms approved by the board, notification of such intent to practice. Such notification shall be deemed effective as of the date received by the board, subject to final approval at the next board meeting and shall include:

1. the name, business address, and telephone number of the supervising physician or supervising group of physicians and any designated locum tenens; and

2. the name, business address, and telephone number of the physician assistant.

D. Licensure shall not terminate upon termination of a relationship between a physician assistant and a supervising physician provided that:

1. the physician assistant ceases to practice as a physician assistant until such time as he enters into a supervision relationship with another supervising physician or supervising group of physicians registered with the board; and

2. the physician assistant notifies the board of any changes in or additions to his supervising physicians within 15 days of the date of such change or addition.

E. The board may, in its discretion, at the time of and upon application for renewal of licensure, require a review of the current accuracy of the information provided in the approved application and of the physician assistant's performance thereunder and may modify or restrict any licensure in accordance with the findings of such review.

F. A physician assistant may elect to have his license placed on inactive status by the board by giving notice to the board in writing, on forms prescribed by the board, of his election of inactive status. A physician assistant whose license is on inactive status shall be excused from payment of renewal fees and shall not practice as a physician assistant in the state of Louisiana. Any licensee who engages in practice while his or her license is on inactive status shall be deemed to be engaged in practice without a license and shall be subject to

administrative sanction under R.S. 37:1360.34 or to judicial injunction pursuant to R.S. 37:1360.37. A physician assistant on inactive status may be reinstated to active status upon payment of the current renewal fees and satisfaction of other applicable qualifications for renewal prescribed by §1517.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 22:203 (March 1996), LR 24:1498 (August 98), LR 25:31 (January 1999).

**Subpart 3. Practice**

**Chapter 45. Physician Assistants**

**§4501. Supervision by Supervising Group of Physicians**

A. A physician assistant may be supervised by a supervising group of physicians provided that, a member, partner or employee of the supervising group is designated as the supervising physician, and such supervising physician meets and satisfies all of the qualifications, procedures and other requirements of this Chapter to the same extent as if the physician assistant were supervised individually by the supervising physician.

B. With respect to any physician assistant supervised by a supervising group of physicians, all duties, obligations, and responsibilities imposed by statute or by the rules of this Chapter on the supervising physician shall be equally and independently assumed and borne by the designated supervising physician and the supervising group.

C. When a physician assistant is supervised by a supervising group of physicians, the supervising physician may designate any other member, partner or employee of the supervising group as locum tenens physician, provided that such designee meets the qualifications of LAC 46:XLV.1508 and 1510 and the designation otherwise complies with said Sections. Any physician serving as a locum tenens physician must be identified in the physician assistant's notice of intent to practice as provided in §1517.

D. A physician may obtain approval from the board to be the primary supervising physician for up to two physician assistants; however, nothing shall prohibit a qualified supervising physician from acting as supervising physician on a locum tenens basis for as many as two (2) additional physician assistants in addition to the two physician assistants for whom he is the primary supervising physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1105 (November 1991), LR 22:204 (March 1996), LR 25:31 (January 1999).

**§4503. Compensation**

A. A physician assistant may receive compensation, salary or wages only from his or her employer and may neither render a statement for service directly to any patient nor receive any payment, compensation or fee for services directly from any patient.

B. Nothing in this Section shall prohibit charges from being submitted to any governmental or private payor for services rendered by a physician assistant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1105 (November 1991), LR 22:204 (March 1996), LR 25:31 (January 1999).

#### **§4505. Services Performed by Physician Assistants**

A. The practice of a physician assistant shall include the performance of medical services that are delegated by the supervising physician and are within the scope of the physician assistant's education, training, and licensure.

B. In accordance with a written clinical practice guidelines or protocols medical services rendered by a physician assistant may include: screening patients to determine need for medical attention; eliciting patient histories; reviewing patient records to determine health status; performing physical examinations; recording pertinent patient data; performing developmental screening examinations on children; making preliminary decisions regarding data gathering and appropriate management and treatment of patients being seen for initial evaluation of a problem or follow-up evaluation of a previously diagnosed and stabilized condition; making appropriate referrals; preparing patient summaries; requesting initial laboratory studies; collecting specimens for blood, urine and stool analyses; performing urine analyses, blood counts and other laboratory procedures; identifying normal and abnormal findings on history, physical examinations and laboratory studies; initiating appropriate evaluation and emergency management for emergency situations such as cardiac arrest, respiratory distress, burns and hemorrhage; performing clinical procedures such as venipuncture, intradermal testing, electrocardiography, care and suturing of wounds and lacerations, casting and splinting, control of external hemorrhage, application of dressings and bandages, administration of medications, intravenous fluids, and transfusion of blood or blood components, removal of superficial foreign bodies, cardiopulmonary resuscitation, audiometry screening, visual screening, aseptic and isolation techniques; providing counseling and instruction regarding common patient problems; monitoring the effectiveness of therapeutic intervention; assisting in surgery; and signing for receipt of medical supplies or devices that are delivered to the supervising physician or supervising physician group. This list is illustrative only, and does not constitute the limits or parameters of the physician assistant's practice.

C. A physician assistant who performs the suturing of lacerations, may undertake to do so with respect to a particular patient, only when specifically delegated to do so by the supervising physician.

D. A physician assistant may administer medication to a patient, or transmit orally, electronically, or in writing on a patient's record, a prescription from his or her supervising physician to a person who may lawfully furnish such medication or medical device. The supervising physician's prescription, transmitted by the physician assistant, for any patient cared for by the physician assistant, shall be based on a patient-specific order by the supervising physician. At the direction and under the supervision of the supervising physician, a physician assistant may hand deliver to a patient

of the supervising physician a properly labeled prescription drug prepackaged by a physician, a manufacturer or a pharmacist. In any case, the medical record of any patient cared for by the physician assistant for whom the physician's prescription has been transmitted or carried out shall be reviewed, countersigned and dated by a supervising physician within 72 hours, or as otherwise required by law.

E. A physician assistant shall not:

1. practice without supervision, as defined by §1503, except in life-threatening emergencies;

2. issue prescriptions for any medication and/or complete and issue prescription blanks previously signed by any physician;

3. order for administration or administer any medication to any patient except pursuant to the specific order or direction of his or her supervising physician;

4. act as or engage in the functions of a physician assistant other than on the direction and under the direction and supervision of his supervising physician at the location or locations specified in physician assistant's notice of practice location to the board, except in the following situations:

a. if the physician assistant is acting as assistant in life-threatening emergencies and in situations such as man-made and natural disaster or a physician emergency relief efforts;

b. if the physician assistant is volunteering his services to a non-profit charitable organization, receives no compensation for such services, and is performing such services under the supervision and in the presence of a licensed physician.

5. act as or engage in the functions of a physician assistant when the supervising physician and the physician assistant do not have the capability to be in contact with each other by telephone or other telecommunication device; or

6. identify himself, hold himself out to the public, or permit any other person to identify him, as "doctor," "medical doctor," "doctor of medicine" or "physician" or render any service to a patient unless the physician assistant has clearly identified himself as a physician assistant by any method reasonably calculated to advise the patient that the physician assistant is not a physician licensed to practice medicine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1105 (November 1991), LR 22:204 (March 1996), LR 25:32 (January 1999).

#### **§4507. Authority and Limitations of Supervising Physician**

A. The supervising physician is responsible for the responsible supervision, control, and direction of the physician assistant and retains responsibility to the patient for the competence and performance of the physician assistant.

B. A supervising physician may not supervise more than two physician assistants at the same time; provided, however, that a physician may be approved to act as a supervising physician on a locum tenens basis for physician assistants in addition to the physician assistants for whom he or she is the primary supervising physician, provided that such physician

shall not act as supervising physician for more than four physician assistants at any one time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:205 (March 1996), LR 25:32 (January 1999).

#### **§4509. Designation of Locum Tenens**

A. Notwithstanding other provisions of this Chapter, the board may permit a supervising Physician to designate as locum tenens a physician who will assume the obligations and responsibilities of the supervising physician for up to six (6) months when the supervising physician is absent or unavailable as a result of illness, medical emergency or other similar disabling causes as the board may define.

B. To be eligible for designation as locum tenens, a physician shall:

1. meet the qualifications of LAC 46:XLV.1508;
2. actively practice in the same specialty as the supervising physician or in a reasonably related field of medicine; and
3. be registered as a supervising physician as provided in LAC 46:XLV.1510 and 1514.

C. Designation of a locum tenens must include:

1. a description of the locum tenens' professional background and specialty, if any;
2. the address of all office locations used by the locum tenens;
3. a detailed description of the specific circumstances under which the locum tenens will act for and in place of the supervising physician and the manner in which the locum tenens will supervise, direct and control the physician assistant; and
4. a certificate, signed by the designated locum tenens, acknowledging that he has read and understands the rules of this Chapter and that he will assume the duties, obligations and responsibilities of the supervising physician under the circumstances specified in the application.

D. The board may, in its discretion, refuse to approve the use of a locum tenens, or it may restrict or otherwise modify the specified circumstances under which the locum tenens would be authorized to act for and in place of the supervising physician.

E. A physician assistant shall not, while acting under the direction and supervision of an approved locum tenens designated by the supervising physician, attend or otherwise provide any services for or with respect to any patient other than a patient of the supervising physician or supervising group.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1106 (November 1991), LR 22:205 (March 1996), LR 25:33 (January 1999).

#### **§4511. Mutual Obligations and Responsibilities**

A. The physician assistant and supervising physician shall:

1. within 15 days notify the board, in writing, of:
  - a. the termination of the physician assistant's supervision relationship with a supervising physician or supervising group of physicians;
  - b. the retirement or withdrawal from active practice by the supervising physician; and
  - c. any other change in the employment, functions, activities or services of the physician assistant or the manner or location of their performance;
2. comply with reasonable requests by the board for personal appearances and/or information relative to the functions, activities and performance of the physician assistant and supervising physician;
3. insure that each individual to whom the physician assistant provides patient services is expressly advised and understands that the physician assistant is not a licensed physician;
4. insure that, with respect to each direct patient encounter, all activities, functions, services and treatment measures of the physician assistant are properly documented in written form by the physician assistant and that each such entry is countersigned by the supervising physician within 24 hours with respect to inpatients in an acute care setting and patients in a hospital emergency department; within 48 hours with respect to patients of nursing homes and other sub-acute settings and within 72 hours in all other cases.

B. The physician assistant and supervising physician shall bear equal and mutual responsibility for producing the following documentation upon an official inspection conducted by a duly authorized representative of the board:

1. a copy of the physician assistant's notice of intent to practice, listing all physicians authorized and designated to supervise the physician assistant; and
2. any written practice agreement defining the scope of practice of the physician assistant including:
  - a. any clinical practice guidelines prescribed by the supervising physician;
  - b. the medical procedures which the supervising physician has authorized the physician assistant to perform;
  - c. any group practice arrangements; and
  - d. a list of the locations where the physician assistant may be working at any given time.
3. any written practice agreement shall be annually reviewed, updated as appropriate, and signed by the physician assistant and supervising physician.

C. The physician assistant and the supervising physician shall bear equal and reciprocal obligations to insure strict compliance with the obligations, responsibilities and provisions set forth in the rules of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1106 (November 1991), LR 22:206 (March 1996), LR 25:33 (January 1999).

#### **§4513. Causes for Nonissuance, Suspension, Revocation or Restrictions; Fines, Reinstatement**

A. The board may refuse to issue, or may suspend, revoke or impose probationary or other restrictions on, any license

issued under this Chapter, or issue a private or public reprimand, for the following causes:

1. conviction of or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of the United States or of any state;

2. conviction of or entry of a plea of guilty or nolo contendere to any criminal charge arising out of or in connection with practice as a physician assistant;

3. fraud, deceit, or perjury in obtaining any license or permit issued under this Chapter;

4. providing false testimony before the board;

5. habitual or recurring drunkenness;

6. habitual or recurring use of morphine, opium, cocaine, drugs having a similar effect, or other substances which may induce physiological or psychological dependence;

7. aiding, abetting, or assisting any physician in any act or course of conduct enumerated in Louisiana Revised Statutes, Title 37, Section 1285;

8. efforts to deceive or defraud the public;

9. incompetency;

10. immoral conduct in exercising the privileges provided for by licensure under this Chapter;

11. persistent violation of federal or state laws relative to control of social diseases;

12. interdiction or commitment by due process of law;

13. inability to perform or function as a physician assistant with reasonable skill or safety to patients because of medical illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or excessive use or abuse of drugs, including alcohol;

14. refusing to submit to the examination and inquiry of an examining committee of physicians appointed or designated by the board to inquire into the physician assistant's physical and mental fitness and ability to provide patient services with reasonable skill and safety;

15. the refusal of the licensing authority of another state to issue or renew a license, permit or certificate to act as a physician assistant in that state, or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by such licensing authority which prevents or restricts the functions, activities or services of the physician assistant in that state; or

16. violation of any provision of this Chapter, or of rules or regulations of the board or statute pertaining to physician assistants.

B. The board may, as a probationary condition, or as a condition of the reinstatement of any license suspended or revoked hereunder, require the physician assistant and/or the supervising physician group to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees, and to pay a fine not to exceed the sum of \$5,000.

C. Any license suspended, revoked or otherwise restricted by the board may be reinstated by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1107 (November 1991), LR 22:206 (March 1996), LR 25:33 (January 1999).

Delmar Rorison  
Executive Director

9901#064

## RULE

### Department of Health and Hospitals Office of Public Health

#### Sanitary Code—Retail Food Stores/Markets (Chapter XXII)

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq, the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4A(1) and R.S. 40:5, has updated and revised Chapter XXII of the Louisiana State Sanitary Code to be in accordance with current Food and Drug Administration (FDA) Food Code Guidelines as follows.

#### Sanitary Code

#### Chapter XXII. Retail Food Stores/Markets

**22:01 Definition:** Unless otherwise specifically provided herein, the following words and terms used in this Chapter of the Sanitary Code and all other Chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

*a<sub>w</sub>*—water activity.

*Base of Operation/Commissary*—catering establishment, restaurant, or any other properly equipped place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

*Beverage*—liquid for drinking, including water.

*Bulk Food*—processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.

*Certification Number*—a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

*C.F.R.*—Code of Federal Regulations.

*CIP*—clean in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surface that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

*Code*—the word *Code* when used alone shall mean the regulations contained in this Sanitary Code, subsequent amendments thereto, or any emergency rule or regulation which the administrative authority having jurisdiction may lawfully adopt.

*Convenience Store*—a retail food store which is usually easily accessible and deals mostly with prepackaged food products.

*Comminuted*—reduced in size by methods including chopping, flaking, grinding, or mincing.

*Critical Items*—a provision of this code that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation, such as, but not limited to, a potentially hazardous food stored at improper temperature, poor personal hygienic practices, not sanitizing equipment and utensils, no water, contaminated water sources, sewage backup, severe insect and rodent infestation, and chemical contamination.

*Deli/Delicatessen*—a food establishment which generally serves ready-to-eat food products such as sandwiches, cold cuts, cheeses, prepared salads and some prepared hot foods

*Department*—the Department of Health and Hospitals and Secretary means the Secretary thereof.

*EPA*—Environmental Protection Agency.

*Easily Cleanable*—surfaces that are readily accessible and made of such materials, finish and so fabricated that residue may be effectively removed by normal cleaning methods.

*Employee*—the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a retail food store or market.

*Equipment*—an article that is used in the operation of a food store or market such as a reach-in or walk-in refrigerator or freezer, grinder, ice maker, meat block, mixer, oven, scale, sink, slicer, stove, table, thermometers, vending machine, or warewashing machine.

*FDA*—Food and Drug Administration.

*Food*—raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

*Food Contact Surfaces*—a surface of equipment or a utensil with which food normally comes in contact with, or a surface of equipment or a utensil from which food may drain, drip or splash into a food or onto a surface normally in contact with food.

*Food Establishment*—an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption. The term includes restaurants, cafeterias, caterers, delis, bars, lounges, or any other facility that prepares food for individual service or for a group of people, whether consumption is on or off the premises and regardless if there is a charge for the food. The term does not include private homes where food is prepared or served for individual family consumption.

*Garbage*—the putrescible components of refuse which are subject to spoilage, rot, or decomposition. It includes wastes from the preparation and consumption of food, vegetable matter, and animal offal and carcasses.

*HACCP*—Hazard Analysis Critical Control Point.

*HACCP Plan*—a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

*Hazard*—a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

*Hermetically Sealed Container*—a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

*Injected*—manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as with juices which may be referred to as "injecting," "pinning," or "stitch pumping".

*Itinerant Retail Food Store/Market*—any fixed or mobile retail food store/market which operates on a temporary or seasonal basis.

*Interpretation*—this chapter shall be interpreted and applied to promote its underlying purpose of protecting the public health.

*Kitchenware*—food preparation and storage utensils.

*Label*—the principal display or displays of written, printed, or graphic matter upon any food or the immediate container thereof, or upon the outside container or wrapper, if any, of the retail package of any food.

*Labeling*—includes all labels and other written, printed and graphic matter, in any form whatsoever, accompanying any food.

*Law*—applicable local, state, and federal statutes, regulations, and ordinances.

*Market*—a retail food store or food market which stores, prepares, packages, serves, vends or otherwise provides food products such as beverages, eggs, meat, milk, produce, seafood or other similar products.

*Microorganisms*—yeasts, molds, fungi, bacteria, parasites, viruses and includes, but is not limited to, species having public health significance. The term "undesirable Microorganisms" includes those microorganisms that are of public health significance, that subject food to decomposition, that indicate that food is contaminated with filth, or that otherwise may cause food to be adulterated within the meaning of the Food, Drug and Cosmetic Laws and Regulations.

*Mobile Food Unit*—a vehicle-mounted retail food store/market designed to be readily movable.

*Noncritical*—items means all provisions in this code that are not classified as critical items.

*Offal*—waste parts, especially of a butchered animal, including but not limited to bones, cartilage, fatty tissue and gristle.

*Packaged*—bottled, canned, cartoned, securely bagged, or securely wrapped.

*Permit*—the document issued by the Department that authorizes a person to operate retail food store/market.

*Person*—an association, a corporation, individual, partnership, other legal entity, governmental subdivision or agency.

*Person in Charge*—the individual present at a retail food store/market who is responsible for the operation at the time of inspection.

*Pest*—refers to any objectionable animal or insect including, but not limited to, birds, roaches, rodents, flies, and larvae.

*pH*—the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between 0 and 7 indicate acidity and values between 7 and 14 alkalinity. The value for pure distilled water is 7, which is considered neutral.

*Potable Water*—is water having bacteriological, physical and chemical qualities that make it safe and suitable for use by people for drinking, cooking or washing.

*Potentially Hazardous Food*—a food that is natural or synthetic and is in a form capable of supporting:

- a. the rapid and progressive growth of infectious or toxigenic microorganism;
- b. the growth and toxin production of *Clostridium botulinum*; or
- c. in shell eggs, the growth of *Salmonella enteritidis*.

*Potentially hazardous food* includes:

- a. an animal food (a food of animal origin) that is raw or heat-treated;
- b. a food of plant origin that is heat-treated or consists of raw seed sprouts;
- c. cut melons; and
- d. garlic and oil mixtures.

*Potentially hazardous food* does not include:

- a. an air-cooled hard-boiled egg with shell intact;
- b. a food with a water activity ( $a_w$ ) value of 0.85 or less;
- c. a food with a hydrogen ion concentration (pH) level of 4.6 or below when measured at 24°C (75°F);
- d. a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; and
- e. a food for which a variance granted by the regulatory authority is based upon laboratory evidence demonstrating that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of *C. botulinum* cannot occur.

*p.p.m.*—parts per million.

*Ready-to-Eat Food*—food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form.

*Reduced Oxygen Packaging*—the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a level below the normally found in the surrounding atmosphere, which is 21 percent oxygen. This may include methods referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging including sous vide.

*Refuse*—any garbage, rubbish, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility. It also includes other discarded material such as solid, liquid, semi-solid, or contained gaseous material

resulting from either industrial, commercial, mining, or agricultural operations, or from community activities. It does not include solid or dissolved material in domestic sewage, irrigation return flow, industrial discharges which are point sources, or radioactive wastes.

*Regulatory Authority*—the local, state, or federal enforcement body or authorized representative having jurisdiction over the retail food store/market.

*Retail Food Store*—all types of food markets including convenience, fixed, mobile and temporary food stores. These may also be referred to as groceries. Larger retail food stores may also include bakeries and delis.

*Rubbish*—includes all non-putrescible waste matter, except ashes, from any public or private establishments, institution, or residence. It also includes construction and demolition wastes.

*Sanitization*—the application of cumulative heat or chemicals on cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of 5 logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance.

*Seafood*—includes, but is not limited to, fish, shellfish edible crustaceans, marine and freshwater animal food products.

*Sealed*—free of cracks or other openings that allow the entry or passage of moisture.

*Seasonal*—a recurrent period that is characterized by certain occupation, festivities, or crops; any period of time that is legally available to the hunter, fisherman, or trapper. These seasons are legally set by government regulatory agencies such as State Wildlife and Fisheries, State Department of Agriculture or other such agencies.

*Shall*—refers to mandatory requirements.

*Should* or *May*—refers to recommended or advisory procedures or equipment.

*Single-Service Articles*—tableware, carry-out utensils, and other items such as bags, container's placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use.

*Single-Use Articles*—utensils and bulk food container designed and constructed to be used once and discarded. *Single-use articles* includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs, or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans.

*Smoked Food*—food which has been colored or flavored by natural or liquid smoke.

*State Health Officer*—the legally appointed and/or acting State Health Officer of the health authority having jurisdiction over the entire State of Louisiana, and includes his/her duly authorized representative, except where the context of these regulations, or pertinent statutory language indicates the reference is to the State Health Officer acting personally. Should legislative action either change the term *State Health Officer* or transfer his/her authority, the successor shall assume the functions delegated to the *State Health Officer* in this Sanitary Code.

*Tableware*—eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, tumblers; and plates.

*Temperature Measuring Service*—a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

*Temporary Retail Food Store/Market*—a fixed or mobile retail food store/market which operates for a period of time no more than twenty-one consecutive days in conjunction with a single event or celebration.

*Utensil*—a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multi use, single-service, or single-use; gloves used in contact with food; and food temperature measuring devices.

*Warewashing*—the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

*Water Activity*—( $a_w$ ) is a measure of the free moisture in a food and is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

*Wholesome*—food which is in sound conditions, clean, free from adulteration or contamination and is otherwise suitable for human consumption.

#### General Requirements

**22:02-1 General:** Every retail food store/market which is hereafter constructed or extensively remodeled, and every existing retail food store/market, shall comply with the requirements of this Code.

**22:02-2 Submission of Plans:** Whenever a retail food store/market is constructed or extensively remodeled, properly prepared plans and specifications for such construction or remodeling, shall be submitted to the State Health Officer for review and approval before construction or remodeling is begun. The plans and specifications shall indicate the proposed type of operation, anticipated volume and types of food products to be stored, prepared, packaged and/or served along with the proposed layout of the facility, mechanical plans, construction materials and the types and location and specifications of all fixed and mobile equipment to be used in the establishment.

**22:02-3 Preoperational Inspection:** The State Health Officer shall conduct one (1) or more preoperational inspections to verify that the retail food store/market is constructed and equipped in accordance with the approved plans and is in compliance with all provisions of the State Sanitary Code.

**22:02-4 HACCP Plan:** If a retail food store/market wants to submit a HACCP plan it should contain:

A. a categorization of the types of *Potentially Hazardous Foods* that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the department;

B. a flow diagram by specific food or category type identifying *Critical Control Points* and providing information on the following:

1. ingredients, materials, and equipment used in the preparation of that food; and

2. formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;

C. a supervisory training plan that addresses the food safety issues of concern;

D. a statement of standard operating procedures for the plan under consideration including clearly identifying:

1. each Critical Control Point;

2. the Critical Limits for each Critical Control Point;

3. the method and frequency for monitoring and controlling each Critical Control Point by the employee designated by the person in charge;

4. the method and frequency for the person in charge to routinely verify that the employee is following standard operating procedures and monitoring Critical Control Points;

5. action to be taken by the person in charge if the Critical Limits for each Critical Control Point are not met; and

6. records to be maintained by the person in charge to demonstrate that the HACCP Plan is properly operated and managed;

E. additional scientific data or other information, as required by the Department supporting the determination that food safety is not compromised by the proposal.

#### Permits

**22:03 General:** No person shall operate a retail food store/market of any type without first having received a valid permit to operate from the State Health Officer. Permits are not transferable. A valid permit shall be posted in every retail food store/market.

#### Issuance of Permits

**22:04-1** The owner, President of the Corporation, or such other officer duly delegated by the corporation or partnership shall make written application for a permit to operate to the State Health Officer.

**22:04-2** Prior to approval of an application for a permit, a preoperational inspection shall be made as described in 22:02-2 to determine compliance with all provisions of the State Sanitary Code.

**22:04-3** The State Health Officer shall issue a permit to the applicant if an inspection reveals that the proposed retail food store/market complies with all the provisions of the State Sanitary Code.

#### Employee Health

**22:05 General:** All employees shall meet the requirements of Chapter I and Chapter II of the State Sanitary Code. The person in charge shall be responsible for complying with Chapter I, Section 1:08-1.

#### Personal Cleanliness

**22:06-1 Handwashing:** Employees shall thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, and after smoking, using tobacco, eating, drinking, coughing, sneezing, handling raw food, or using the toilet.

**22:06-2 Fingernails:** Employees shall keep their fingernails clean and trimmed.

**22:06-3 Jewelry:** Employees may not wear jewelry on their arms and hands while preparing food. This does not apply to a plain ring such as a wedding band.

**22:06-4 Outer Clothing:** Employees shall wear clean outer clothing.

#### Hygienic Practices

**22:07-1 Eating and Drinking:** Employees shall eat and

drink only in designated areas where the contamination of exposed food, equipment, utensils or other items needing protection can not result. An employee may drink while preparing food from a closed beverage container if the container is handled properly to prevent contamination.

**22:07-2 Using Tobacco:** Employees shall not use tobacco in any form while preparing or serving food. Employees shall use tobacco only in designated areas such as described in section 22:32.

**22:07-3 Hair Restraints:** Employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food, equipment, utensils and other items needing protection. This does not apply to employees such as counter staff who only serve beverages and wrapped or packaged food items.

**22:07-4 Food Contamination:** Employees experiencing persistent sneezing, coughing or a runny nose may not work with exposed food, equipment, utensils or other items needing protection.

**22:07-5 Handling:** Employees shall handle soiled tableware in a manner to prevent the contamination of clean tableware by their hands. Employees may not care for or handle animals such as patrol dogs, support animals, or pets while preparing or serving food. Employees with support animals may care for their animals if they wash their hands in accordance with Section 22:06-1.

#### **Food Supplies**

**22:08-1 General:** All food shall be safe, unadulterated and honestly presented.

**22:08-2 Source:** Food shall be obtained from sources that comply with law. Unless exempted by law, food prepared in a private home may not be used or offered for human consumption in retail food stores and food markets.

**22:08-3 Package:** Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

**22:08-4 Labeling:** Packaged food shall be labeled as specified by law. All bulk food storage containers shall be properly labeled according to law.

**22:08-5.1 Raw Shellfish:** All establishments that sell or serve raw oysters must display signs, menu notices, table tents, or other clearly visible messages at point of sale with the following wording:

There may be a risk associated with consuming raw shellfish as is the case with other raw protein products. If you suffer from chronic illness of the liver, stomach or blood or have other immune disorder, you should eat these products fully cooked.

In addition, this message must appear on the principal display panel or top of containers of pre-packaged raw oysters. This may be done by printing on the container or by pressure sensitive labels. In addition, the following message must appear on the tag of each sack or other container of unshucked raw oysters:

There may be a risk associated with consuming raw shellfish as is the case with other raw protein products. If you suffer from chronic illness of the liver, stomach or blood or have other immune disorder, you should eat these products fully cooked.

**22:08-5.2 Exemption:** Establishments that exclusively serve raw molluscan shellfish that have been subjected to a process recognized by the State Health Officer as being effective in reducing the bacteria *Vibrio vulnificus* to non-detectable levels may apply for an exemption from the mandatory consumer information notification requirement. Establishments interested in obtaining an exemption shall certify, in writing, to the State Health Officer, that it shall use exclusively for raw consumption only molluscan shellfish that have been subjected to the approved process. Upon receipt of that communication, the State Health Officer shall confirm the establishment as being exempt from the requirement of displaying the consumer information message. The establishment's certification must be sent to the State Health Officer at the following address:

Louisiana Office of Public Health  
P. O. Box 60630  
New Orleans, Louisiana 70160

**22:08-6 Hermetically Sealed Containers:** Food in hermetically sealed containers shall be obtained from a licensed and/or regulated food processing plant.

**22:08-7 Milk:** Fluid, frozen, dry milk and milk products shall be obtained from sources with Grade A Standards as specified in law and Chapter VII and Chapter VIII of this Code.

**22:08-8 Seafood:** Fish, shellfish, edible crustaceans, marine and fresh water animal food products shall be obtained from sources according to law and Chapter IX of this Code. Shell stock tags shall be retained for 90 days.

#### **22:08-9 Eggs**

A. Shell eggs shall be received clean and sound according to law.

B. Liquid, frozen and dry egg products shall be obtained pasteurized.

**22:08-10 Poultry and Meats:** Poultry and meat products shall be obtained from sources according to law.

#### **22:08-11 Game Animals**

A. Game animals may be received for sale if they are under a routine inspection program conducted by a regulatory authority or raised, slaughtered, and processed under a voluntary inspection program by a regulatory authority.

B. If retail markets are requested by an individual to process wild deer meat, they must process this meat in accordance with the guidelines established by the Department.

#### **Temperature**

**22:09-1 Temperature Control:** Except as specified in section 22:09-2, all refrigerated potentially hazardous foods shall be received at a temperature of 41°F (5°C) or below.

**22:09-2 Exceptions:** A food may be received at a temperature specified in laws governing its distribution.

**22:09-3 Cooking/Reheating:** Foods shall be cooked to heat all parts of the food to temperature and for a time that are at least:

A. 165°F (74°C) or above for 15 seconds for wildgame, poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat or poultry.

B. 155°F (68°C) or above for 15 seconds for pork, comminuted fish, comminuted meats and injected meats.

C. 145°F (63°C) or above for 15 seconds for all other foods.

D. All potentially hazardous food that is cooked, cooled, and reheated for hot holding or serving shall be reheated so that all parts of the food reach a temperature of at least 165°F (74°C) for 15 seconds.

E. Microwave - Foods cooked or reheated in microwave ovens shall be rotated and stirred throughout to compensate for uneven distribution of heat and heated an additional 25°F (14°C) above the temperatures required in 22:09-3.

F. Beef roast shall be cooked to a minimum internal temperature of 130°F (54°C) or to a temperature and time that will cook all parts of the roast as required by law.

G. Raw, marinated fish, raw molluscan shellfish, steak tartare, or partially or lightly cooked food, shall be served according to law.

**22:09-4 Hot Holding Temperatures:** Food stored for hot holding and service shall be held at a temperature of 140°F (60°C) or higher with the exception of roast beef. If roast beef is cooked in accordance with 22:09-3(F) the minimum hot holding temperature shall be 130°F (54°C).

**22:09-5 Cold Holding Temperatures:** Food stored for cold holding and service shall be held at a temperature of 41°F (5°C) or below.

**22:09-6 Cooling Methods:** Cooling of food shall be accomplished within 4 hours by using one or more of the following methods:

- A. placing the food in shallow pans;
- B. separating the food into smaller or thinner portions;
- C. using rapid cooling equipment;
- D. stirring the food in a container placed in an ice water bath;
- E. using containers that facilitate heat transfer;
- F. adding ice as an ingredient;
- G. other approved effective methods.

**22:09-7 Frozen Food:** Stored frozen food should be stored at a temperature of 0°F or below and shall be maintained frozen.

**22:09-8 Thawing:** Potentially hazardous food shall be thawed by one of the following methods:

- A. under refrigeration that maintain the food temperature at 41°F (5°C) or below;
- B. completely submerged under potable running water at a temperature of 70°F (21°C) or below with sufficient water velocity to agitate and float off loose particles in an overflow;
- C. for a period of time that does not allow thawed portions to rise above 41°F (5°C);
- D. as part of the conventional cooking process or thawed in microwave oven and immediately transferred to conventional cooking equipment with no interruption in the process.

**22:09-9 Time as a Public Health Control:** Time only, rather than time in conjunction with temperature, may be used as a public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption if:

A. the food is marked or otherwise identified with the time within which it shall be cooked, served or discarded;

B. the food is served or discarded within 4 hours from the point in time when the food is removed from temperature control;

C. food in unmarked containers or packages, or for which the time expires, is discarded; and

D. written procedures are maintained in the retail food store/market or food establishment and made available to the Department upon request.

**22:09-10 Temperature Measuring Devices:** (Thermometers): Temperature measuring devices shall be provided and used to measure:

A. food temperature of potentially hazardous food on a device scaled in Fahrenheit accurate to +/- 2°F or Celsius accurate to +/- 1°C.

B. ambient air temperature of all equipment used to hold potentially hazardous food on a device scaled in Fahrenheit accurate to +/- 3°F. or Celsius accurate to +/- 1.5°C.

#### **Food Storage**

**22:10-1** Food shall be protected from contamination by storing the food:

- A. in a clean, dry location;
  - B. where it is not exposed to splash, dust, or other contamination; and
  - C. at least 6 inches (15cm) above the floor.
- 22:10-2** Food may not be stored:
- A. in locker rooms;
  - B. in toilet rooms;
  - C. in dressing rooms;
  - D. in garbage rooms;
  - E. in mechanical rooms;
  - F. under sewer lines;
  - G. under water lines which may leak, including lines on which water has condensed;
  - H. under open stairwells; or
  - I. in vehicles used to transfer or hold any type of waste;
  - J. under other sources of contamination.

**22:10-3** Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water through the packaging, wrapping, or container because of its positioning in the ice or water. Unpackaged food may only be stored in direct contact with drained ice; except:

- A. whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water;
- B. raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service or sale.

#### **Food Preparation**

**22:11-1 General:** During preparation, unpackaged food shall be protected from environmental sources of contamination. Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served or offered for human consumption in ready to eat form except that while, raw fruits and vegetables that are intended for washing by the consumer before consumption.

**22:11-2 Molluscan Shellfish:** Raw shellfish shall be handled in accordance with Chapter IX of the Code and may not be prepackaged at retail markets.

**22:11-3 Cross Contamination:** Cross contamination shall be prevented by:

- A. separating raw animal foods from ready to eat foods;
- B. separating raw unprepared vegetables from ready to eat potentially hazardous foods; or
- C. separating certain raw animal foods from each other because of different cooking temperatures.

### **Food Display and Service**

#### **22:12-1 General**

A. Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of packaging; counter service line, or food/sneeze guards, display cases, or other effective means.

B. Proper utensils shall be used for preparation service and dispensing of food. These utensils shall be stored in accordance with section 22:19-10.

C. Reuse of soiled tableware by self-service consumers returning to the service area for additional food is prohibited.

**22:12-2 Bulk Foods:** Bulk foods shall be handled and dispensed in a manner described in 22:12-1.

**22:12-3 Condiments:** Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

#### **22:12-4 Ice**

A. Ice for consumer use shall be dispensed only by employees with scoops, tongs, or other ice-self-dispensing utensils or through automatic service ice-dispensing equipment. Ice-dispensing utensils shall be stored in accordance with section 22:019-10.

B. Ice used as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, or cooling coils and tubes of equipment, may not be used as food.

**22:12-5 Reservice:** Once served to a consumer, portions of left-over food shall not be reserved. Food that is not potentially hazardous, such as crackers and condiments, in an unopened original package and maintained in sound condition may be reserved or resold.

### **Equipment and Utensils**

**22:13 General:** All equipment and utensils shall be of construction approved by the State Health Officer.

**22:13-1 Multi-use:** Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substance or impart colors, odors, or tastes to food and under normal use conditions shall be:

- A. safe;
- B. durable, corrosion-resistant, and non absorbent;
- C. sufficient in weight and thickness to withstand repeated warewashing;
- D. finished to have a smooth, easily cleanable surface and

E. resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.

**22:13-2 Copper:** Copper and copper alloys such as brass may not be used in contact with a food that has a pH below 6 such as vinegar, fruit juice, or wine.

**22:13-3 Galvanized Metal:** Galvanized metal may not be used for utensils or food-contact surfaces or equipment that are used for beverages, acidic food, moist food or hygroscopic food.

**22:13-4 Solder and Flux:** Solder and flux containing lead in excess of 0.2 percent may not be used on surfaces that contact food.

**22:13-5 Wood:** Except as specified in part A, B and C of this section, wood and wood wicker may not be used as a food-contact surface:

A. hard maple or an equivalently hard, close-grained wood may be used for:

1. cutting boards; cutting blocks, baker's tables; and utensils such as rolling pins, doughnut dowels, salad bowls, and chopsticks; and

2. wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230°F (110°C) or above;

B. whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used;

C. if the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in untreated wood containers or approved treated wood container complying with C.F.R..

**22:14 Non Food-Contact Surfaces:** Surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, non absorbent, and smooth material.

**22:15 Single-Service and Single-Use Articles:** Single-service and single-use articles may not be reused.

#### **22:16 Slash-Resistant Gloves, Use Limitations**

A. Except as specified in part B of this section, slash-resistant gloves that are used to protect hands during operations requiring cutting may be used in direct contact only with food that is subsequently cooked such as frozen food or a primal cut of meat.

B. Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and non-absorbent outer surface; or if the slash resistant gloves are covered with a smooth, durable, non-absorbent glove, or a single-use glove.

**22:17 Food Temperature Measuring Devices:** Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating such as candy thermometers may be used.

### **Requirements for Equipment**

**22:18-1 General:** Equipment used for cooling, heating and holding cold and hot foods, shall be sufficient in number and capacity to provide food temperatures as specified in this Chapter.

## **22:18-2 Manual Warewashing, Sink Compartment Requirements**

A. A sink with at least three (3) compartments shall be provided for manual washing, rinsing and sanitizing equipment and utensils.

B. Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils.

C. When equipment or utensils are too large for the warewashing sink or warewashing machine, the following alternative process may include:

1. high-pressure detergent sprayers;
2. low- or line-pressure spray detergent foamers;
3. other task-specific cleansing equipment, such as CIP;
4. brushes or other implements.

D. Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing. Drainboards for sinks and machines shall be self-draining.

E. A warewashing sink may not be used for handwashing or dumping mop water. Sinks may be used to wash wiping cloths, wash produce and other foods or thaw foods if the sinks are properly washed and sanitized before this use.

## **22:18-3 Warewashing Machines**

A. A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications including the:

1. temperatures required for washing, rinsing and sanitizing;
2. pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and
3. conveyor speed for conveyor machines or cycle time for stationary rack machines.

B. Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

C. Warewashing machines shall be equipped with a temperature measuring device that indicates the temperature of the water:

1. in each wash and rinse tank; and
2. as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

D. Warewashing machines shall be operated in accordance with the machine's data plate and other manufacturer's specifications.

## **Cleaning of Equipment and Utensils**

### **22:19-1 General:**

A. Equipment food-contact surfaces and utensils shall be clean to sight and touch.

B. The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

C. Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

### **22:19-2 Frequency of Cleaning**

A. Equipment food-contact surfaces and utensils shall be cleaned:

1. before each use with a different type of raw animal food such as beef, seafood, lamb, pork, or poultry;
2. each time there is a change from working with raw foods to working with ready-to-eat foods;
3. between uses with raw fruits or vegetables and with potentially hazardous food;
4. before using or storing a temperature measuring device;
5. at any time during the operation when contamination may have occurred.

B. Equipment food-contact surfaces and utensils used with potentially hazardous food shall be cleaned throughout the day at least every four (4) hours.

C. Nonfood-contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.

D. Warewashing equipment, including machines and the compartments of sinks, basins or other receptacle used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards, shall be cleaned:

1. before use;
2. throughout the day at frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended needed function; and
3. if used, at least every 24 hours.

**22:19-3 Cleaning Agents:** The wash compartment of a sink, mechanical warewasher, or other alternative process as specified in section 22:18-2 (C), shall, when used for warewashing, contain a wash solution of soap, detergent, acid cleaner, alkaline cleanser, degreaser, abrasive cleaner, or other cleaning agent according to the cleaning agent manufacturer's label instruction.

### **22:19-4 Temperature of Wash Solution**

A. The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than 110°F (43°C) unless a different temperature is specified on the cleaning agent manufacturer's label instruction.

B. The temperature of the wash solution in spray type warewashers that use hot water to sanitize may not be less than:

1. for a single tank, stationary rack, single temperature machine, 165°F (74°C);
2. for a single tank, conveyor, dual temperature machine, 160°F (71°C);
3. for a single tank, stationary rack, dual temperature machine, 150°F (66°C);
4. for a multitank, conveyor, multi temperature machine, 150°F (66°C).

C. The temperature of the wash solution in spray type warewashers that use chemicals to sanitize may not be less than 120°F (49°C).

**22:19-5 Methods of Cleaning**

A. Precleaning:

1. food debris on equipment and utensils shall be scrapped over a waste disposal unit, scupper, or garbage receptacle or shall be removed in a warewashing machine with prewash cycle;

2. if necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.

B. Loading: Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

1. expose the items to the unobstructed spray from all cycles; and

2. allows the items to drain.

C. Wet Cleaning

1. Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acid, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; high pressure sprays; or ultra sonic devices;

2. The washing procedures selected shall be based on the type and purpose of equipment or utensil, and on the type of soil to be removed.

3. Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts.

**22:19-6 Rinsing Procedures:** Utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or other solutions. A distinct, separate water rinse after washing and before sanitizing shall be used with the following:

1. a three (3) compartment sink;

2. alternative manual warewashing equipment equivalent to a three (3) compartment sink as specified in 22:18-2 (C);

3. a three (3) step washing, rinsing and sanitizing procedure in a warewashing system for CIP equipment.

**22:19-7 Sanitization:** After the food-contact surfaces of all equipment and utensils are cleaned, they shall be sanitized before use. Clean food-contact surfaces of equipment and utensils shall be sanitized in:

A. hot water;

1. if immersion in hot water is used in manual operation, the temperature of the water shall be maintained at 171°F (77°C) or above;

2. in a mechanical operation, the temperature of the hot water rinse as it enters the manifold may not be more than 194°F (90°C) or less than:

a. for a single tank, stationary rack, single temperature machine, 165°F (74°C); or

b. for all other machines, 180°F (74°C). This should achieve a utensil surface temperature of 160°F (71°C) as measured by an irreversible registering temperature indicator;

3. in a mechanical operation using a hot water rinse, the flow pressure may not be less than 15 pounds per square inch

or more than 25 pounds per square inch as measured in the water line immediately upstream from the fresh hot water sanitizing rinse control valve;

B. chemical;

1. when a chemical sanitizer is used in a sanitizing solution for manual or mechanical operational at the specified exposure times, it shall be listed in 21 CFR 178.1010 sanitizing solutions, shall be used in accordance with the EPA approved manufacturers label use instructions, and shall be used as follows:

a. a chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Minimum Concentration	Minimum Temperature	
MG/L (p.p.m.)	pH 10 or less °F (°C)	pH 8 or less °F (°C)
25	120 (49)	120 (49)
50	100 (38)	75 (24)
100	55 (13)	55 (13)

b. an iodine solution shall have a:

i. minimum temperature of 75°F (24°C);

ii. pH of 5.0 or less, unless the manufacturer's use directions included in the labeling specify a higher pH limit of effectiveness; and

iii. concentration between 12.5 mg/L and 25 mg/L (p.p.m.);

c. a quaternary ammonium compound solution shall:

i. have a minimum temperature of 75°F (24°C);

ii. have a concentration as specified under 7-204.11 and as indicated by the manufacturer's use directions included in labeling; and

iii. be used only in water with 500 mg/L (p.p.m.) hardness or less;

d. other solutions of the chemicals specified in a, b, and c, of this section may be used if demonstrated to the Department to achieve sanitization and approval by the Department; or

e. other chemical sanitizers may be used if they are applied in accordance with the manufacturer's use directions included in the labeling;

2. chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified in 22:19-7 B (1) shall be used to provide the following:

a. an exposure time of at least 10 seconds for a chlorine solution;

b. an exposure time of at least 30 seconds for other chemical sanitizer solutions; or

c. an exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficiency, yields sanitization as defined in this Chapter;

3. a test kit or other device that accurately measures the concentration in mg/L or parts per million (p.p.m.) of sanitizing solutions shall be provided.

#### **22:19-8 Air Drying**

A. Except as specified in C of this section, after cleaning and sanitizing, equipment and utensils may not be cloth-dried.

B. Equipment and utensils may be air-dried or used after adequate draining as specified in paragraph A of 21 CFR 178.1010 Sanitizing Solutions, before contact with food.

C. Utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

#### **22:19-9 Storage of Clean Equipment and Utensils**

A. Except as specified in D of this section, cleaned equipment, utensils and single-service and single use articles shall be stored:

1. in a clean dry location;
2. where they are not exposed to splash, dust, or the contamination; and
3. at least 6 inches (15cm) above the floor.

B. Clean equipment and utensils shall be stored as specified under A of this section and shall be stored:

1. in a self-draining position that permits air drying; and
2. covered or inverted.

C. Single-service and single-use articles shall be stored as specified under A of this section and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

D. Items that are kept in closed packages may be stored less than 6 inches (15cm) above the floor on dollies, pallets, racks, and skids provided that the storage equipment is designed so that it may be moved by hand or by conveniently available equipment such as hand trucks and forklifts.

**22:19-10 In-Use and Between Use Utensil Storage:** During pauses in food preparation or dispensing, food preparation dispensing utensils shall be stored:

A.1. in the food with their handles above the top of the food;

2. in food that is not potentially hazardous with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour or cinnamon;

B. on a clean portion of the food preparation table or cooking equipment in accordance with section 22:19-1 and 2;

C. in running water of sufficient velocity to flush particulate matter to the drain, if used with moist food such as ice cream or mashed potatoes; or

D. in a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous.

**Water Supply22:20-1 General:** Enough potable water for the needs of the retail food store/market shall be provided in accordance with Chapter XII of this Code.

**22:20-2 Pressure:** Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water.

**22:20-3 Hot Water:** Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the retail food store/market.

**22:20-4 Steam:** Steam used in contact with food or food contact surfaces shall be free of deleterious materials or additives.

**22:20-5 Bottled Water:** Bottled and packaged potable water shall be obtained from a source that complies with Chapters VI and XII of this Code and the Food, Drug and Cosmetic Laws and Regulations. Bottled and packaged potable water, if used, shall be handled and stored in a way that protects it from contamination and shall be dispensed from the original container.

#### **Sewage**

**22:21-1 General:** All sewage from a retail food store/market shall be disposed of through an approved sewerage system/facility, community or individual, in accordance with Chapter XIII of this Code.

**22:21-2** If an individual sewerage system is used, it shall be sized, constructed, maintained and operated according to law.

#### **Plumbing**

**22:22-1 General:** Plumbing shall be sized, installed, and maintained in accordance with Chapter XIV of this Code.

**22:22-2 Cross-Connection:** There shall be no cross-connection between the potable water supply and any other source of water of lesser quality including any source of pollution from which the potable water supply might become contaminated.

**22:22-3 Backflow:** Backflow shall be prevented by:

A. An air gap between the water supply inlet and flood level rim of the plumbing fixture, equipment, or nonfood equipment which is at least twice the diameter of the water supply inlet and may not be less than one (1) inch (25mm).

B. A backflow or backsiphonage prevention device installed and maintained on a water line in accordance with Chapter XIV of this Code.

C.1. Not having a direct connection between the sewage system and any drain line originating from equipment in which food, portable equipment, or utensils are placed.

2. If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within five (5) feet (1.5m) of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap.

**22:22-4 Non Potable Water System:** A nonpotable water system is permitted only for purposes such as air conditioning and fire protection, provided the system is installed in accordance with Chapter XII and Chapter XIV of this Code and:

A. the nonpotable water does not contact directly or indirectly, food, potable water, equipment that contacts food, or utensils and;

B. the piping of any nonpotable water system shall be easily identified so that it is readily distinguishable from piping that carries potable water.

**22:22-5 Lavatory Facilities:** All lavatory fixtures shall be installed in accordance with Chapter XIV of this code.

A.1. At least one (1) handwashing lavatory shall be located to permit convenient use by all employees in food preparation areas and utensil washing areas including the produce, meat and seafood markets.

2. Lavatories shall also be located in or immediately adjacent to toilet rooms.

B. Lavatories shall be accessible to employees at all times.

C. Lavatories shall be equipped to provide water at a temperature of at least 110°F (43°C) through a mixing valve or combination faucet.

D. If a self-closing, slow-closing, or metering faucet is used, it shall provide a flow of water for at least 15 seconds without the need to reactive the faucet.

E. Steam mixing valves are prohibited.

F. A supply of hand-cleansing soap or detergents shall be available at each lavatory. A supply of individual disposable towels, a continuous towel system that supplies the user with a clean towel or a heat-air drying device shall be available at each lavatory. The use of common towels is prohibited.

G. Lavatories, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

H. A handwashing lavatory may not be used for purposes other than handwashing.

**22:22-6 Toilet Facilities:** All toilet fixtures shall be installed in accordance with Chapter XIV of this Code.

A. Toilet facilities shall be the number required, shall be conveniently located, and accessible to employees at all times.

B. Toilet rooms shall be completely enclosed, well lighted and shall have tight-fitting, self-closing, solid doors which shall be closed except during cleaning and maintenance.

C. Toilet rooms shall be vented to the outside atmosphere.

D. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials with at least one covered waste receptacle in toilet rooms used by women.

**22:22-7 Grease Traps:** An approved type grease interceptor shall be installed in accordance with Chapter XIV of this Code.

A. It shall be installed in the waste line leading from sink, drains and other fixtures or equipment where grease may be introduced in the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment or private sewage disposal.

B. A grease trap, if used, shall be located to be easily accessible for cleaning and shall be serviced as often as necessary.

**22:22-8 Garbage Grinders:** If used, garbage grinders shall be installed and maintained in accordance with Chapter XIV of this Code. Garbage grinders shall not be used with individual sewerage systems.

**22:22-9 Utility or Service Sink**

A. At least one (1) service sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. The sink shall be located in an area to avoid food contamination.

B. The use of lavatories, utensil washing, equipment washing, or food preparation sinks for this purpose is prohibited.

C. In some special applications, because of space restrictions or unique situations, in the opinion of the State Health Officer or his representative that the risk of contamination is low, a large utility/service sink may be used as a handwashing sink.

**Garbage and Refuse**

**22:23-1 General:** All garbage and refuse shall be handled in accordance with Chapter XXVII of this Code.

**22:23-2 Receptacles**

A. Equipment and receptacles for refuse, recyclables, returnables, and for use with materials containing food residue shall be durable, cleanable, insect and rodent resistant, leakproof, and nonabsorbent.

B. Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the retail food store/market, or within closed outside receptacles.

C. Outside receptacles shall have tight-fitting lids, doors, or covers.

D. There shall be a sufficient number of receptacles to hold all the garbage and refuse that accumulates. They shall be emptied when full.

E. Soiled receptacles shall be cleaned at a frequency to prevent a nuisance or the attraction of insects and rodents.

F. Liquid waste from compacting shall be disposed of as sewage.

**22:23-3 Incineration:** Where garbage or refuse is burned on the premises, it shall be done by incineration in accordance with the rules and regulations of the Louisiana Department of Environmental Quality.

**22:23-4 Cleaning and Storage**

A. Indoor garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent washable materials, shall be kept clean, shall be insect and rodent proof and shall be large enough to store the garbage and refuse that accumulates.

B. Outdoor storage area surface shall be constructed of non-absorbent material such as concrete or asphalt and shall be smooth, durable, and sloped to drain.

C. Suitable cleaning equipment and supplies such as high pressure pumps, hot water, steam, and detergent shall be provided as necessary for effective cleaning of equipment and receptacles used for refuse, recyclable and returnable.

D. Liquid waste from the cleaning operation shall be disposed of as sewage. Methods used for this disposal shall prevent rainwater and runoff from entering the sanitary sewerage system. Dumpster pads may be elevated or curbed, enclosed or covered, and the sanitary sewerage drain protected with a proper cover.

E. In some special applications, if approved by the State Health Officer or his representative, off-premises-based cleaning services may be used if on-premises cleaning equipment and supplies are not provided at establishments which generate only rubbish.

F. Outdoor premises used for storage of refuse, recyclables and returnables shall be maintained clean and free of litter.

### **Insects and Rodent Control**

**22:24-1 General:** Insects and rodents shall be controlled in accordance with Chapter V of this Code.

#### **22:24-2 Insect Control Devices**

A. Devices that are used to electrocute flying insects shall be designed to have "escape-resistant" trays.

B. Devices that are used to electrocute flying insects and that may impel insects or insect fragments or to trap insects by adherence shall be installed so that:

1. the devices are not located over a food preparation area; and
2. dead insects and insect fragments are prevented from being impelled onto or falling on exposed food, clean equipment, utensils, linens and unwrapped single-service and single-use articles.

**22:24-3 Openings:** Openings to a portion of the building that is not part of the food establishment or to the outdoors shall be protected against the entry of insects and rodents by:

- A. filling or closing holes and other gaps along floors, walls and ceilings;
- B. closed, tight-fitting windows;
- C. solid, self-closing, tight-fitting doors, or
- D. If windows or doors are kept open for ventilation or other purposes, the openings shall be protected against the entry of insects and rodents by:
  1. 16 mesh to the inch (25.4mm) screens;
  2. properly designed and installed air curtains; or
  3. other effective means.

E. Establishment location, weather or other limiting conditions may be considered as part of an overall flying insect and other pest control program.

#### **22:24-4 Premises**

- A. The premises shall be free of:
  1. items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and
  2. litter.
- B. The premises shall be kept free of pests by:
  1. routinely inspecting the premises for evidence of pests; and
  2. using methods of control approved by law.

C. Outdoor walking and driving areas shall be surfaced with concrete, asphalt, gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, drain properly and prevent muddy conditions.

### **Physical Facilities**

#### **22:25 Floors**

- A. Floors shall be constructed of smooth, durable, and easily cleanable materials.
- B. Closely woven and easily cleanable carpet may be used in certain areas of retail food stores except where food is prepared and processed.
- C. Properly installed floor drains shall be provided in all markets where food is prepared and processed.
- D. Floors shall be maintained clean and in good repair.

#### **22:26 Walls and Ceilings**

- A. Walls and ceilings shall be constructed of light colored, smooth, durable and easily cleanable materials.
- B. Utility service lines, pipes, exposed studs, joists, rafters and decorative items shall not be unnecessarily exposed in food preparation and processing areas. When exposed in other areas of the retail food store, they shall be installed so they do not obstruct or prevent cleaning of the walls and ceilings.
- C. Walls, ceilings, and any attachments shall be maintained clean and in good repair.

#### **22:27 Lighting**

##### **22:27-1 Lighting Intensity Shall Be:**

- A. In walk-in refrigeration units and dry food storage areas, and in other areas or rooms during periods of cleaning, at least 110 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor;
- B. In areas where fresh produce or packaged foods are sold or offered for consumption, areas used for handwashing, warewashing, equipment and utensil storage, and in toilet rooms, at least 220 lux (20 foot candles) at a distance of 75 cm (30 inches) above the floor; and
- C. At a surface where a food employee is working with unpackaged potentially hazardous food or with food, utensils, and equipment such as knives, slicers, grinders, or saws where employees' safety is a factor, at least 540 lux (50 foot candles).

##### **22:27-2 Shielding**

- A. Light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils and linens or unwrapped single-service and single-use articles.
- B. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

#### **22:28 Ventilation**

**22:28-1 Mechanical:** If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes, mechanical ventilation of sufficient capacity shall be provided.

**22:28-2 Hood:** Ventilation hood systems and devices shall be sufficient in number and capacity to prevent grease or

condensation from collecting on walls and ceilings and should be equipped with filters to prevent grease from escaping into the outside atmosphere.

### **22:28-3 Heating, Air Conditioning, Ventilating System Vents**

These systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food preparation surfaces, equipment and utensils.

### **Poisonous or Toxic Materials**

#### **22:29-1 Labeling**

A. Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

B. Working containers used for storing poisonous or toxic materials such as cleaners and sanitizer taken from bulk supplies shall be clearly and individually identified with the common name of the material.

**22:29-2 Storage and Display:** Poisonous or toxic materials shall be stored and displayed for retail sale or use in markets so they may not contaminate food, equipment, utensils, linens, single-service and single-use articles by:

A. separating the poisonous or toxic materials by spacing or partitioning; and

B. locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, single-service and single-use articles;

C. storing those properly labeled medicines and first aid supplies necessary for the health of employees or for retail sale in a location or area that prevents contamination of food, equipment, utensils, linens, single-service and single-use articles; and

D. medicines, poisonous or toxic materials requiring refrigeration shall not be stored in a refrigerator used to store food;

E. storing employees' personal care items in lockers or other suitable facilities that are located in an area that prevents contamination of food, equipment, utensils, linens, single-service and single-use articles.

#### **22:29-3 Use**

A. Only those poisonous or toxic materials that are required for the operation and maintenance of a retail food store/market such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in food preparation and processing areas. This does not apply to approved, packaged poisonous or toxic materials that are for retail sale stored in accordance with Section 22:28-2.

B. Poisonous or toxic materials shall be stored in accordance with Section 22:28-2 and used according to:

1. law;
2. manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that the use is allowed in a food preparation or processing area; and

3. any additional conditions that may be established by the regulatory authority.

C. Chemical sanitizers and other chemical antimicrobials applied to food contact surfaces shall meet the requirements specified in section 22:19-7(B).

D. Chemicals used to wash or peel raw, whole fruits and vegetables shall be used in accordance with the manufacturer's label instructions and as specified in 21CFR 173.315.

E. Restricted pesticides shall be applied and used according to law.

F. Rodent bait shall be contained in a covered, tamper-resistant bait station.

### **Miscellaneous**

#### **22:30 Prohibiting Animals**

A. Except as specified in B and C of this Section, live animals may not be allowed on the premises of a retail food store/market.

B. Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result:

1. edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

2. patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

3. in areas that are not used for food preparation such as dining and sales areas, support animals such as guide dogs that are trained to assist an employee or other person who is handicapped, are controlled by the handicapped employee of person, and are not allowed to be on seats or tables; and

C. live or dead fish bait shall be stored so that contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result.

**22:31 Curb Markets:** Markets commonly called "curb markets" dealing in produce, if unenclosed, shall store all produce above the floor or ground level.

**22:32 Distressed Merchandise:** Products that are held by the retail food store/market for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles.

#### **22:33 Dressing Areas, Lockers and Employee Break Areas**

A. Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the establishment.

B. Lockers or other suitable facilities shall be provided and used for the orderly storage of employees' clothing and other possessions.

C. Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination. Areas where employees use tobacco should be well ventilated.

## **22:34 Itinerant Retail Food Store/Market:**

### **22:34-1 Permit**

A. No itinerant retail food store/market shall operate without first applying and receiving a permit to operate from the State Health Officer.

B. Seasonal permits issued to itinerant retail food stores/markets should coincide with the legally set seasons for the products those markets plan to handle or sell and expire the last day of that season.

**22:34-2 Plans:** Plans and specifications for all proposed itinerant retail food stores/ markets shall be submitted to the State Health Officer for review and approval before applying and receiving a permit.

### **22:34-3 Mobile Retail Food Stores/Markets**

A. The interior of vehicles where food products are stored shall be constructed of a smooth, easily cleanable surface and maintained in good repair.

B. The interior of vehicles where food products are stored shall be kept clean.

**22:34-4 Packaged Food Products:** Trucks or vendors selling packaged food products such as ice cream, frozen novelties, meats, etc. shall operate from a base of operation where leftover products may be properly stored and inspected and the vehicle serviced. Packaged potentially hazardous foods shall be stored in accordance with section 22:09-5 and 22:09-7.

**22:34-5 Produce:** Produce vendors shall comply with Sections 22:08-1, 22:08-2, 22:08-4, 22:10 and 22:30. The produce should be protected by some type of enclosure or cover on the vehicles. If there are any "leftover" at the end of the day, they should be properly stored and protected from insects and rodents overnight.

### **22:34-6 Seafood**

A. Boiled seafood shall be handled in accordance with guidelines set by the State Health Officer.

B. Oysters sold by the sack must be in an enclosed, mechanically refrigerated vehicle and comply with Section 22:08-1, 22:08-2, 22:08-4 and 22:08-5.

C. Live crabs or crawfish sold by the bushel or sack must be stored either on ice in an enclosed, insulated vehicle or in an enclosed mechanically refrigerated vehicle and comply with Section 22:08-1, 22:08-2 and 22:08-4.

D.1. Shrimp vendors shall store their shrimp in containers such as ice chest which are smooth, impervious and easily cleanable. The use of styrofoam is prohibited.

2. Shrimp shall be maintained at a temperature below 41°F (5°C) in accordance with Section 22:09-5.

3. A minimum one gallon container of sanitizer solution at the proper strength shall be provided in accordance with Section 22:19-7 B. to rinse hands, scoops, scales, ice chest, etc; as needed.

4. Paper hand towels and a waste receptacle shall be provided.

E. Waste water from any seafood vendor shall be disposed of properly in accordance with Section 22:21. Wastewater shall be collected in an approved, covered, labeled container

for proper disposal. The discharging of wastewater onto the ground or into a storm drainage system is prohibited.

### **22:35 Linen/Laundry**

**22:35-1 General:** Clean linens shall be free from food residues and other soiled matter.

#### **22:35-2: Frequency of Cleaning**

A. Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky, or visibly soiled.

B. Cloth gloves shall be laundered before being used with a different type of raw animal food such as beef, lamb, pork, and fish.

C. Wet wiping cloths shall be laundered before being used with a fresh solution of cleanser or sanitizer.

D. Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

#### **22:35-3 Wiping Cloths**

A. Cloths that are used for wiping food spills shall be used for no other purpose.

B. Moist cloths used for wiping food spills on food contact surfaces of equipment shall be stored in a chemical sanitizer between uses.

**22:35-4 Storage of Soiled Linens:** Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of food, clean equipment, clean utensils and single-service and single-use articles.

#### **22:35-5 Use of Laundry Facilities**

A. Laundry facilities on the premises of a retail food store/market shall be used only for the washing and drying of items used in the operation of the establishment and located away from food preparation areas.

B. Linens which are not laundered on the premises may be sent to an off premise commercial laundry.

**22:36 Living Areas:** Living or sleeping quarters such as a private home, a room used as living or sleeping quarters, or area directly opening into a room used as living or sleeping quarters, shall not be used for conducting retail food store/market operations.

### **22:37 Maintenance Equipment**

A. Maintenance tools such as brooms, mops, vacuum cleaners, and similar equipment shall be:

1. stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and
2. stored in an orderly manner that facilitates cleaning of the maintenance equipment storage location.

B. After use, mops shall be placed in a position that allows them to air dry without soiling walls, equipment, or supplies.

**22:38 Open Front Markets:** Only properly labeled, prepackaged foods may be stored or offered for sale in open front markets. This provision does not apply to produce that is normally peeled or washed prior to consumption.

### **22:39 Reduced Oxygen Packaging Criteria**

A. A Retail Food Establishment that packages food using a reduced oxygen packaging method shall have a Hazard

Analysis Critical Control Point (HACCP) plan and also provide the following information:

1. identifies the food to be packaged;
2. limits the food packaged to a food that does not support the growth of *Clostridium botulinum* because it complies with one of the following:
  - a. has a water activity ( $a_w$ ) of 0.91 or less;
  - b. has a pH of 4.6 or less;
  - c. is a meat product cured at a food processing plant regulated by the U.S.D.A. or LA. Department of Agriculture using a combination of nitrites and salt that at the time of processing consists of 120 mg/L or higher concentration of sodium nitrite and a brine concentration of at least 3.50 percent, and is received in an intact package or;
3. specifies methods for maintaining food at 41°F (5°C) or below;
4. describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
  - a. maintain the food at 41°F (5°C) or below; and
  - b. discard the food if within 14 calendar days of its packaging it is not served for on-premises consumption, or consumed if served or sold for off-premises consumption;
5. limits the shelf life to no more than 14 calendar days from packaging to consumption or the original manufacturer's "sell by" or "use by" date, which ever occurs first;
6. includes operational procedures that:
  - a. prohibit contacting food with bare hands;
  - b. identify a designated area and the method by which:
    - i. physical barriers or methods of separation of raw foods and ready-to eat foods minimize cross-contamination; and
    - ii. access to the processing equipment is restricted to responsible trained personnel familiar with the potential Hazards of the Operation; and
  - c. delineate cleaning and sanitization procedures for food-contact surfaces; and
7. describes the training program that ensures that the individual responsible for the reduced oxygen packaging (Vacuum Packaging) operation understands the:
  - a. concepts required for a safe operation;
  - b. equipment and facilities; and
  - c. procedures specified in A.6 of these guidelines and the HACCP plan.

B. Except for fish that is frozen before, during, and after packaging, a retail establishment may not package fish using a reduced oxygen packaging method.

#### **22:40 Smoked Meat Preparation**

**22:40-1 Not Fully Cooked:** Not fully cooked meats, also referred to as "partially cooked meats", shall be heated to a temperature and time sufficient to allow all parts of the meat to reach between 100°F and 140°F. This product shall be labeled on each retail package *Further Cooking Required* with lettering of not less than one-half (1/2) inch.

**22:40-2 Fully Cooked:** Fully cooked meats shall be heated at a temperature and time sufficient to allow all parts of the meat to reach 155°F except poultry products which shall reach 165°F with no interruption of the cooking process and fish which shall reach 145°F.

#### **22:41 Special Food Preparation**

**22:41-1** Special food preparation shall include cooking and/or preparation of ready-to-eat foods including but not limited to deli food.

**22:41-2** Special food preparation shall be conducted in separate facilities partitioned from the market and other operations and shall comply with all the provisions of Chapter XXIII of the Code. Seafood Markets may sell boiled seafood such as crabs, crawfish, and shrimp.

#### **22:42 Inspections**

**22:42-1 Frequency:** Inspections of retail food stores/markets shall be performed as often as necessary for the enforcement of this chapter.

**22:42-2 Access:** Representatives of the State Health Officer, after proper identification, shall be permitted to enter any retail food store/market at any time for the purpose of making inspections to determine compliance with this chapter.

**22:42-3 Records:** The State Health Officer shall be permitted to examine the records of retail food stores/markets to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed. Such records shall be maintained for a period of not less than six (6) months.

**22:42-4 Reports:** Whenever an inspection of a retail food store/market or food establishment is made, the findings shall be recorded on an inspection report form. A copy of the completed inspection report shall be furnished to the person in charge of the retail food store/market or food establishment at the conclusion of the inspection.

#### **22:43 Enforcement**

**22:43-1 General:** Enforcement procedures shall be conducted in accordance with Chapter I of the code.

**22:43-2 Critical Violations:** Critical items, such as, but not limited to, a potentially hazardous food stored at improper temperature, poor personal hygienic practices, not sanitizing equipment and utensils, no water, contaminated water source, chemical contamination, sewage backup or improper sewage disposal, noted at the time of inspection shall be corrected immediately or by a time set by the State Health Officer.

**22:43-3 Noncritical Violations:** Noncritical items noted at the time of inspection shall be corrected as soon as possible or by a time limit set by the State Health Officer.

**22:43-4 Adulterated Food:** Any food product that is adulterated, misbranded or unregistered is subject to seizure and condemnation by the State Health Officer according to Law.

David W. Hood  
Secretary

9901#071

## RULE

### Department of Health and Hospitals Office of Public Health

#### Sanitary Code—Sewage Disposal (Chapter XIII)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health is amending Chapter 13 as follows.

#### Sanitary Code

#### Chapter XIII. Sewage Disposal

##### Sub-Part A. Definitions

**13:001** As used in this Chapter, the terms defined in this Section supplement any definitions which may be set forth in law and shall have the following meanings and/or applications, unless the context or use thereof clearly indicates otherwise, or more explicit definitions and/or applications are referenced. Terms not defined or referenced herein shall have the meanings as defined in the other chapters of the Sanitary Code of the State of Louisiana. In any instance where a term defined herein is also defined in one or more other Chapters of this Code, the definition contained in this Chapter shall be given preference as it pertains to sewage disposal.

*Commercial Treatment Facility (designed in accordance with 13:007)*—means any treatment facility which is required by the State Health Officer whenever the use of an individual sewerage system is unfeasible or not authorized.

*Community Sewerage System*—means any sewerage system which serves multiple connections and consists of a collection and/or pumping/transport system and treatment facility.

*Conventional Septic Tank System*—means a septic tank system which consists of a septic tank(s) followed by a subsurface absorption field.

*Facility or Facilities*—means any or all of the apparatus and appurtenances associated with a sanitary sewage treatment system, element, or process.

*Gravelless Pipe*—is a proprietary device which may be used in lieu of conventional subsurface absorption field materials when approved by the State Health Officer.

*Individual Mechanical Plant*—means a treatment facility which provides primary and secondary treatment of sanitary sewage by use of aerobic bacterial action which is sustained by mechanical means.

*Individual Sewerage System*—means any system of piping (excluding the building drain), 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 sanitary sewage originates; and which utilizes the individual sewerage system technology which is set forth in Appendix A of this Chapter, or a commercial treatment facility which is specifically authorized for use by the State Health Officer.

*Limited Use Sewerage System*—means a sewerage system which may be authorized by the State Health Officer for installation or use for a structure or dwelling which is occupied less than four days in a week, and the use of which generates less than 100 GPD of sanitary sewage.

*Manufacturer*—means a person who engages in the business or practice of constructing individual mechanical sewerage treatment systems, and who is responsible for having the system evaluated in compliance with Appendix A:6.4 of this Chapter.

*Person*—means any natural person, partnership, corporation, association, governmental subdivision, receiver, tutor, curator, executor, administrator, fiduciary, or representative of another person, or public or private organization of any character.

*Premises*—means any structure or dwelling of any construction whatsoever in which a person may live, work, or congregate.

*Sanitary Sewage*—means any and all human waste and/or domestic waste, the disposal of which requires a sewerage system approved or authorized by the State Health Officer. Sanitary sewage may include its conveying liquid and/or any other liquid or solid material which may be present therein.

*Secondary Treatment Standard*—means a sewage effluent water quality standard which prescribes a maximum 30-day average concentration of biochemical oxygen demand (five-day basis) of 30 milligrams per liter (mg/l), and a maximum daily concentration of biochemical oxygen demand (five-day basis) of 45 mg/l. The 30-day average concentration is an arithmetic mean of the values for all effluent samples collected in the sampling period. The analyses to be performed for the purpose of determining compliance with these effluent limitations and standards shall be in accordance with the 18th edition of the "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association 1015 Eighteenth Street NW, Washington, D.C. 20036, except where otherwise specified.

*Septic Tank System*—means an individual sewerage system which consists of a septic tank(s) followed by a process which treats and disposes of the septic tank effluent.

*Sewerage System*—means 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.

*Subdivision*—for the purpose of these regulations means:

1. the division, or the process or results thereof, of any land into (two) 2 or more lots, tracts, parcels, or plots, any one of which has an area of less than 3 acres; or
2. the re-subdivision of land heretofore divided into lots, tracts, sites or parcels; provided, however, that minimum lot size restrictions presented in Section 13:011-2 shall not apply to:

a. a subdivision legally established and recorded prior to July 28, 1967; or

b. a small parcel of land sold to or exchanged between adjoining property owners, provided that such a sale or exchange does not create additional lots.

Note: For the purpose of these regulations, the requirements for wetlands might be more stringent.

*Sub-Manufacturer*—means a person or entity authorized by a licensed manufacturer to construct, or assemble individual sewerage systems, or any portion thereof.

*Trailer Coach*—means any of the various forms of structures which are equipped, or capable of being equipped, with wheels, including, but not limited to, travel trailers, truck coaches or campers, mobile homes, trailers, and/or tent campers, whether capable of moving under its own power or not, and where a person or persons may live, work, or congregate.

*Trailer Park*—means any lot, tract, parcel or plot of land upon which more than one trailer coach is or may be located, and where trailer coach spaces are rented or leased.

### **Sub-Part B. General Requirements**

**13:002** All premises shall be provided with plumbing fixtures as prescribed in Chapter XIV of this Code. Such plumbing fixtures shall be connected to a community sewerage system whenever feasible or to an individual sewerage system which is specifically approved for the premises by the State Health Officer after it is determined that connection to a community sewerage system is unfeasible and that the installation and operation of an individual sewerage system is not likely to create a nuisance or a public health hazard.

**13:003** A person who owns, operates, manages, or otherwise controls any premises, shall provide for sewage disposal in a manner which is in compliance with this Code.

**13:004-1** A person shall not directly or indirectly discharge, or allow to be discharged, the contents or effluent from any plumbing fixtures, vault, privy, portable toilet, or septic tank, into any road, street, gutter, ditch, water course, body of water, or onto the surface of the ground.

**13:004-2** No component part of a sewerage system shall be installed wherever contamination of a ground water supply may occur. The location of any sewerage facility shall not conflict with the placement requirements for a water well which are set forth in Chapter XII of this Code.

**13:005 Previous Permits.** Any permits issued, or approval of plans and specifications granted prior to the effective date of the 1998 revisions of this Chapter shall remain in effect as it relates to the design of the sewerage system, unless the State Health Officer determines there exists a need for revision of such permits or approvals.

### **Sub-Part C. Community Sewerage Systems**

**13:006 Permits.** A person shall not construct or operate a community sewerage system, or make a modification of an existing system which changes the system's capacity, effluent quality, point of discharge, hydraulic or contaminant loadings, or operation of the component units of the system without having first obtained a permit from the State Health Officer.

No community sewerage system shall be constructed, or modified to the extent mentioned above, except in accordance with plans and specifications for installation which have been approved as a part of a permit issued by the State Health Officer prior to the start of construction or modification.

**13:007 Plans.** Detailed plans and specifications for the construction or modification of a community sewerage system for which a permit is requested shall be submitted by the person who is the owner, his legal agent or who has responsible charge of the facilities. The review and approval of plans and specifications submitted for issuance of a permit will be made in accordance with the design standards presented in "Recommended Standards for Sewage Works", 1990 Edition, promulgated by the Great Lakes and Upper Mississippi River Board of State Sanitary Engineers and available from Health Education Service, P. O. Box 7126, Albany, New York 12224. Proposals which deviate significantly from the standards must be submitted to the State Health Officer with supporting documentation.

**13:008-1** All component facilities of a community sewerage system shall, at all times, be maintained in the same configuration as permitted, in working order and operated efficiently to minimize upsets, discharges of excessive pollutants, bypassing of discharges from the system, and health hazards and nuisances. Operator staffing and training, laboratory and process controls, maintenance during normal periods of equipment downtime, backup equipment, and spare parts shall be provided as needed to maintain continuous compliance with the effluent limitations and standards established for the facility by the State Health Officer and to avoid any bypass or any overflow from the system.

**13:008-2** Community sewerage systems shall be operated and maintained so as to consistently produce effluent water quality meeting the minimum requirements of the Secondary Treatment Standard. Additional effluent standards may be established by the State Health Officer as needed based upon downstream uses of receiving waters.

**13:008-3** The bypass of any raw or partially treated sewage from a community sewerage system is prohibited, except where unavoidable to prevent a potential threat to Public Health and Safety or severe property damage, and where no feasible alternatives to bypass exist. The use of alternatives to bypassing, such as auxiliary treatment facilities, retention of untreated wastes, maintenance during normal periods of equipment downtime, or installation of adequate backup equipment shall be utilized to the maximum extent feasible to avoid bypassing.

**13:009 Records.** By request, copies of reports and suitable daily analyses and records of daily operations shall be submitted monthly to the State Health Officer.

**13:010 Land Application.** No sewage sludge, or sewage treatment effluent shall be applied to land for treatment, disposal, irrigation or other purposes without a permit from the State Health Officer. The Louisiana Department of Environmental Quality should also be contacted regarding other approvals or permits required by that agency for land application projects.

**13:011-1 Connections to Community Sewerage Systems.**

Where an established community sewerage system (either public or private) is available, and there is ample water supply, all plumbing fixtures within any structure shall be connected to such community sewerage system. Determination by the State Health Officer of the availability of a community sewerage system shall take into consideration, among other aspects, the separation (both horizontal and vertical) of the structure in question and the sewer main or lateral, political or geographic or legally created boundaries, and the available capacity of the sewer system.

**13:011-2 Community Sewerage System Required.**

Community sewerage systems shall be provided for all new subdivisions and developments where lots are sold or leased. The developer/owner shall be responsible for the provision of adequate sewage treatment and disposal. The use of individual sewerage systems in lieu of a community sewerage system may be authorized and will be considered under the following circumstances:

1. In subdivisions comprised of less than 125 lots, when the developer submits a comprehensive drainage plan as well as a proposal for restrictive covenants which detail requirements for perpetual maintenance of drainage. This requirement shall apply for all new subdivisions and developments.

2. When the total anticipated design flow to the sewerage system does not exceed 1,500 gpd, and where no food service is involved as per Section 13:021. 2.

3. On large lots, where an area of one (1) acre or more is involved, having a minimum frontage of 125 feet.

4. The installation would be located on a lot, plot or site which has a minimum area of 22,500 square feet, and a minimum frontage of 125 feet.

5. For subdivisions when each and all lots have a minimum area of at least 22,500 square feet and a minimum frontage of 125 feet, except that the 125 foot frontage requirement may be waived for up to 15 percent of the total number of lots in the development if (a) minimum frontage on each lot in question is not less than 60 feet, and; (b) the width of each lot in question is at least 125 feet.

6. For parishes in which the parish governing authority has enacted and enforces a formal sewage permitting system (requiring approval of individual sewage disposal systems by the State Health Officer prior to issuance of any parish permits) and when the lots or sites in question meet any of the following criteria:

a. minimum area of 22,500 square feet and a minimum frontage of 80 feet.

b. minimum area of 16,000 square feet and a minimum frontage of 80 feet where an approved individual mechanical plant is to be utilized.

c. minimum area of 12,000 square feet and a minimum frontage of 60 feet where an approved individual mechanical plant is utilized and is followed by 50 feet of modified absorption field (see Appendix A, Section IX).

7. Where lots of "record" (i.e., lots created by formal subdivision prior to July 28, 1967) are combined (in accord

with the definition of a subdivision) to create a new, larger, single lot, and no re-subdivision of the property is involved.

8. For single lots or sites, regardless of size, remaining in substantially developed previously established subdivisions, when, in the opinion of the State Health Officer, a hazard to the public health will not result.

9. For single lots or sites, regardless of size, when the installation of an individual sewerage system is proposed in order to renovate or replace a pre-existing sewerage system. Such installation may be allowed when, in the opinion of the State Health Officer, a public health hazard or nuisance will not result. This provision shall apply to the renovation or replacement of pre-existing systems only and shall not be utilized to circumvent other requirements, particularly those relative to minimum lot size for new residences and subdivision development, of this Code.

**13:011-3 Reserved**

**13:011-4** The State Health Officer may consider for approval, on an individual basis, proposals for developments that are of a unique nature, such as a development over water, or irregular configuration, where individual sewage disposal is proposed, where the development, by its very nature (e.g., where commonly or jointly owned property is involved), is clearly not addressed by the current considerations of this Code.

**Sub-Part D. Individual Sewerage Systems**

**13:012-1 Permits.** A person shall not install, cause to be installed, alter subsequent to installation, or operate an individual sewerage system of any kind without first having obtained a permit from the State Health Officer. No person shall install, cause to be installed, or alter subsequent to installation an individual sewerage system of any kind except in accordance with the plans and specifications for the installation which have been approved as a part of a permit issued by the State Health Officer. Such permits shall be issued in a two-stage process in accordance with Sections 13:012-2 and 13:012-3.

**13:012-2** Upon receipt of a request for such permit, and approval of plans and specifications for the proposed individual sewerage system (which shall accompany any such request for permit), a temporary permit, authorizing the installation of said system, may be issued. Any such temporary permit shall be in writing and shall not be issued until, with respect to the property and its surroundings, the State Health Officer has determined that connection to a community-type sewerage system is not feasible, and that the condition of the soil, drainage patterns, the lot size/dimensions, and other related factors are such that the construction and use of properly designed individual sewerage facilities are not likely to create a nuisance or public health hazard.

**13:012-3** A final permit approving the installation, shall be issued only upon verification that the individual sewerage system has been installed in compliance with this Code. The verification of such installation shall be determined by means of an on-site inspection conducted by a representative of the State Health Officer and/or in the form of a completed

"Certification by Installer" form submitted to the State Health Officer by the licensed installer. The installer shall notify the appropriate local Parish Health Unit prior to the installation of an individual sewerage system. The sanitarian shall not issue final approval for this system unless he/she has received a completed and signed certification by installer form. The certification by installer shall be submitted to the State Health Officer within fifteen (15) days after completion of the installation. A final permit shall be issued and provided to the owner/occupant of the premises to be served by the individual sewerage system.

**13:012-4** If a consumer currently owns, is contemplating purchasing and having installed, or is an installer of Individual Mechanical Sewage Treatment Plants, that consumer should be made aware that:

It has become apparent that the electrical components of Individual Mechanical Sewage Treatment Plants which require connection to a source of electricity may not be properly connected to that electrical source in some cases. Specifically, mechanical sewage treatment plants, using electrical power may require a properly installed Ground Fault Current Interrupter (GFCI).

The Office of Public Health has specific statutory authority and mandates to protect the public health from the improper treatment and disposal of sewage. This office will offer the public consultation with regard to the appropriate sewage treatment system that should be used in a specific application, considering system design for properly treating sewage, sizing for the number of people using the system, location of the system, and other health considerations, as necessary. However, the Office of Public Health does NOT have the authority to inspect or approve electrical connections, are NOT qualified in the area of such electrical connections and will not assume responsibility for such electrical safety considerations.

Accordingly, proper electrical connections must be made to the air pump/blower and/or any other electrical components that are integral parts of an Individual Mechanical Sewage Treatment Plant, and that a qualified electrician should perform or examine the installation(s) for appropriate wiring and installation, as well as the connection to the Ground Fault Current Interrupter.

**13:012-5** Permits for the installation of individual sewerage systems shall not be issued for lots within a formal subdivision unless an official recorded plat/property survey has been filed with and subsequently approved for use of individual sewerage systems by the Office of Public Health.

**13:013-1 Plans.** The review and approval of plans and specifications for the proposed individual sewerage system shall be made in accordance with the "Regulations Controlling the Design and Construction of Individual Sewage Systems" (See Appendix A).

**13:013-2** Individual sewerage systems, other than conventional septic tank systems, i.e., septic tanks followed by a subsurface disposal system, including those facilities built in conflict with the State of Louisiana Sanitary Code, shall comply with all provisions of the Louisiana Department of

Environmental Quality Wastewater Discharge Permit. The Louisiana Department of Environmental Quality should be contacted for information regarding wastewater discharge permits. The State Health Officer may establish other limitations or standards, as needed, in consideration of the water quality of affected surface water bodies and groundwaters.

**13:014-1** A person who wishes to engage in the business of installing or providing maintenance of individual sewerage systems shall obtain, in accordance with the procedures set forth in Section 13:023 of this Chapter, a license for such activity prior to making any such installations or providing maintenance. Such a license shall not be required, however, for an individual wishing to install an individual sewerage system, other than an individual mechanical plant, for his own private, personal use. Individual mechanical plants shall be installed and maintenance provided by licensed individual sewerage system installers and/or maintenance providers only.

**13:014-2** A person installing or providing maintenance of an individual sewerage system and the person who is the owner of the premises shall be responsible for compliance with Sections 13:012 and 13:013.

**13:015 Maintenance and Operation.** Individual sewerage systems shall be kept in service and in a serviceable condition sufficient to insure compliance with this Code and in order to avoid creating or contributing to a nuisance or a public health hazard.

**13:016 Septic Tank Systems.** Where a community-type sewerage system is not available, a septic tank system may be used provided that the requirements of Sections 13:011-2, 13:012, 13:013-1, and 13:014 are complied with.

**13:017-1 Individual Mechanical Plants.** An individual mechanical plant may be used where a community-type system is not available, and where the State Health Officer determines that a conventional septic tank system (septic tank - absorption field) would not be expected to function properly, and where the requirements of Sections 13:011-2, 13:012, 13:013-2, and 13:014 are complied with.

**13:017-2** Permits, per the requirements of Section 13:012, for the installation of individual mechanical plants, shall not be issued except and unless the manufacturer of the mechanical plant has received a manufacturers license in accordance with the requirements of 13:022-1, and has received appropriate certification from DHH/OPH.

**13:018-1 Other Individual Sewerage Systems.** Where a person proposes innovative processes or design features other than those described in Appendix A of this Chapter, a limited number of experimental or developmental installations may be approved where: either failure of the installation or insignificant benefits to performance and cost is not expected, based on current engineering data and literature. The total number of such installations shall not exceed three (3) throughout the State and shall be approved under the following conditions:

**13:018-2** Each installation shall be installed only in accordance with plans and specifications and testing procedures which have been specifically approved for each

installation as a part of a permit issued by the State Health Officer prior to the installation.

**13:018-3** The permit for each installation shall be for a period of one year and may be renewed under the provisions of Section 13:018.

**13:018-4** Should an innovative process fail, the owner of the premises and the person proposing the innovative process shall upgrade or replace the installation to bring it into compliance with the applicable provisions of this Chapter.

13:018-5 After the experimental or developmental use of an installation is completed, the permit issued under this Section may be revised to remove the restrictions cited in paragraphs 13:018-2 and 13:018-3 if the State Health Officer determines that the available data show that continued use of the installation will not result in non-compliance with applicable provisions of this Chapter. Such a revision of a permit issued under Section 13:018 shall apply only to the individual installation approved under that permit, and should not be construed as being an approval of the system design for other existing or future installations.

**13:018-6 Proprietary Devices.** Proprietary devices are all devices designed to reduce, process, and treat all or a select portion of wastewater generated within the individual home.

This includes water recycle and reuse devices, water conservation devices, composting units, and other devices intended to reduce the volume of waste generated or water consumed. The approval of a proposal to utilize a proprietary device may only be granted by the State Health Officer.

#### **Sewage Hauling**

**13:019-1** A person shall not engage in the business or practice of hauling the contents of septic tanks, cesspools, vaults, or similar facilities without first obtaining a license from the State Health Officer. Applications for a license to haul sewage may be obtained from the nearest parish health unit. Applications must be sent to the Sanitarian Program Administrator - Individual Sewage, Sanitarian Services Section. All licenses shall be issued by this office and shall be valid throughout the state.

**13:019-2** All licenses expire on June 30 of each new year.

Applications for renewal must be received no later than May 1st of each year in order to insure timely renewal. Initial applications received between July 1 and March 30 will receive a license for that fiscal year (July 1 through June 30); those initial applications received after March 30th will receive a license for the remainder of that fiscal year in addition to the next fiscal year.

**13:019-3** Upon determination by the State Health Officer of substantial non-compliance with the requirements of this Code with respect to the hauling and/or disposing of the contents of septic tanks, cesspools, vaults, or similar facilities, (not including grease traps), written notice, in compliance with LRS 49:961, shall be given to the licensee having made said violations that he shall, within fifteen (15) working days, present to the notifying office any and all evidence to show compliance with the requirements for retention of the license.

In the absence of such evidence, the licensee shall be further notified that his license has been temporarily suspended pending a hearing in the matter to consider whether sufficient grounds for revocation of the license exist. The licensee shall be notified, in writing, of the date of the hearing within seven (7) working days from the date of the Notice of Suspension. The date for such hearing shall be within forty-five (45) working days of the Notice of Suspension.

**13:019-4** Upon revocation of a license, a hauler shall not be eligible to reapply for the same license for a period of two years from the date of revocation for cause.

**13:019-5** Disposal of the contents of septic tanks, cesspools, vaults, or similar facilities shall be made in accordance with the arrangements, approved in the permit, for disposal at an approved sewage treatment facility. As a prerequisite to obtaining a license, evidence for such arrangements, including copies of any agreements with cooperating sewage treatment facilities, shall be submitted. The disposal of the contents of septic tanks, cesspools, vaults, or similar facilities into ditches, canals, rivers, lakes, pits, or other surface water courses is prohibited.

**13:019-6** No person shall convey or cause to be conveyed through the streets, roads, or public waterways any contents from a septic tank, vault, cesspool, or privy, except in tight enclosed containers, so as not to be offensive to smell or injurious to health.

#### **Non-Waterborne Systems**

**13:020-1** Non-waterborne systems, such as a pit toilet (or privy), vault, pail, or chemical toilet, incinerator toilet or composting toilet may be used when the State Health Officer determines that it is impractical or undesirable, i.e., such as water under pressure is not available, either to connect to an existing community-type sewerage system as specified in Section 13:011 or to construct or install a conventional septic tank system or individual mechanical plant and when in the opinion of the State Health Officer a non-waterborne system will function without creating a health hazard or nuisance.

**13:020-2** Non-waterborne systems shall be located a safe distance from any well, spring or other source of water supply and, if possible, upon ground at a lower elevation. Such distances shall conform to the requirements of Chapter XII of this Code. In soil types or geological formations where sources of water supplies may be polluted, the State Health Officer may require the use of chemical toilets or concrete vaults in lieu of pit toilets.

**13:020-3** Non-waterborne systems shall be properly maintained and operated. The following shall be considered defects in maintenance and operation of such installations:

1. Evidence of caving around the edges of the pit;
2. Signs of overflow or other evidence that the pit, vault, or pail is full;
3. Evidence of light entering the pit except through the seat when the seat cover is raised;
4. Seat cover not in place;
5. Broken, perforated, or unscreened vent pipes;

6. Uncleanliness of any kind in the toilet building.

### **Sub-Part E. Special Applications**

**13:021** A number of unique or special situations pose certain problems with respect to sewage disposal. These atypical cases are dealt with as follows:

1. Apartment complexes, condominium complexes, hotels, motels, and other such complexes shall be connected to a community sewerage system. A commercial treatment facility shall be provided when no existing community sewerage system capable of accepting the additional loading exists.

2. Single commercial structures, where less than 1,500 gpd total flow is expected, and where the connection to a community sewerage system to serve other loading sources as well is not required, may utilize either an individual or commercial sewerage system, provided minimum lot size requirements for the use of individual sewerage systems are met.

A commercial treatment facility shall be installed for business establishments where the preparation of food and/or drink is the primary business activity.

3. Treatment facilities for very small trailer parks which contain five (5) trailer spaces or less shall be sized at 400 gallons per day per trailer space.

4. Where a community sewerage system is not available, structures occupied three (3) days per week or less, and located in a marsh/swamp area or over water, may utilize a limited use sewerage system comprised of the following:

(A) a septic tank system consisting of three septic tanks in series (or an acceptable three-cell or three-compartment tank) followed by an automatic chlorination device/system. The first cell shall have a minimum liquid capacity of 500 gallons. The second and third cells shall each have a minimum liquid capacity of 250 gallons. Each of the three septic tanks (or each compartment of a three-cell tank) shall meet all design, material and construction requirements for septic tanks as described in Section 1 of Appendix A of this Chapter. In addition to the construction and material requirements in Appendix A, the following restrictions/exceptions shall also apply:

- a) metal tanks shall not be used;
- b) the tank(s) shall be demonstrated to be water-tight;
- c) fiberglass tanks shall be adequately coated to prevent deterioration by ultraviolet light;
- d) where multiple-compartment single tanks are used, only one access opening, of six inch minimum diameter, per cell shall be required; and
- e) tanks set below the normal high-water level, shall be anchored or otherwise secured against movement;
- f) the chlorination system shall be provided with a contact chamber of a minimum of 100 gallons, and shall be equipped with an automatic cutoff to prevent flow from the third septic tank/chamber if the chlorine supply is exhausted. Also, the effluent line from the chlorine contact tank shall be protected against entrance of small animals or other pests by use of a corrosion-resistant flap-type gate, screen, or other means approved by the State Health Officer.

5. Vessels: Vessels which are permanently moored shall be connected to an approved sewerage system.

### **Sub-Part F. Licensing Procedures For Installers and Manufacturers of Individual Sewerage Systems**

**13:022-1 Manufacturer License.** A person who wishes to engage in the business or practice of constructing an Individual Mechanical Sewerage Treatment System, and who is responsible for having the system evaluated in compliance with Appendix A:6.4 of this Chapter, shall first obtain a license for each approved tested design of plant manufactured, from the State Health Officer.

**13:022-2 Installer License.** A person who wishes to perform installations or maintenance of individual sewerage systems shall first obtain the appropriate type of Individual Sewerage Installer License. Two types of licenses are offered:

- 1) a basic license for installation and maintenance of facilities other than individual mechanical plants, and;

- 2) a combination license which allows the installation and maintenance of individual mechanical plants as well. A combination license may be obtained only in conjunction with a basic license, and is considered to be a separate license.

**13:022-3 Sub-manufacturer License.** A person or entity authorized by a licensed manufacturer to construct, or assemble individual sewerage systems, or any portion thereof, prior to offering such systems for installation in Louisiana, is required to obtain an Individual Sewerage System Sub-Manufacturer License.

**13:022-4 Application.** Applications for an Individual Sewerage System Installer and/or Maintenance Provider License, as well as for Individual Sewerage System Sub-Manufacturer License, may be obtained from the nearest Parish Health Unit. Applications, including any required endorsements or certifications, must be submitted to the Sanitarian Program Administrator - Individual Sewage, Sanitarian Services Section, Office of Public Health. All licenses shall be issued by this office upon successful fulfillment of all application requirements and completion of any required examination(s), and shall be valid throughout the entire state.

**13:022-5 Renewal.** All licenses expire on January 31 of each year. Applications for renewal including all required endorsements must be received no later than December 1 of each year in order to insure timely renewal. The renewal of a license will be withheld from any applicant who has not complied with the requirements of this Chapter.

**13:022-6 Suspension or Revocation of License.** In addition to other remedies provided for by law, a license may be suspended upon determination by the State Health Officer of non-compliance with the requirements of this Code. In the event of suspension, notice shall be given to the licensee having committed said violation(s) that his license has been suspended pending an Administrative Hearing in the matter to determine whether sufficient grounds for revocation exist.

**13:022-7 Reinstatement of License.** Upon revocation of a license, an installer, maintenance provider, manufacturer, or submanufacturer shall not be eligible for any license for a minimum period of two years from the date of revocation for cause.

**13:023-1 Installer/maintenance Provider Qualifications**

A. For a basic license, the applicant shall submit, along with the license application and evidence of successful completion of an examination, an affidavit certifying that he has obtained, read, and understands the provisions of this Chapter of the Sanitary Code, including Appendix A of Chapter XIII, and the requirements for minimum distance to sources of contamination in Chapter XII and will make installations and/or provide maintenance in compliance therewith. Copies of a standard affidavit form and request for examination form may be obtained from any parish health unit.

B. For a combination license, the applicant shall submit, along with the license application and evidence of successful completion of an examination, an endorsement from the licensed manufacturer for the brand of plant he wishes to install and/or maintain, specifying that the applicant is qualified to install and/or maintain said plants, in compliance with the requirements of this Code. Applications will not be processed unless accompanied by the required endorsement.

C. All persons seeking to apply for a new license or renewal, must at their own expense, attend and successfully complete, a training course approved by the Sanitarian Services Section of the Office of Public Health, Department of Health and Hospitals as a prerequisite for licensure. This course will be offered at least once annually.

D. All licensees must successfully repeat this training course every five years.

E. A listing of training course dates, times and locations shall be maintained in the various regional offices by the Sanitarian Regional Directors.

F. In the event an approved training course is not available within 60 days, the Sanitarian Services Section may issue a temporary license provided the applicant meets all of the other requirements cited in this section and successfully completes an examination administered by the Sanitarian Regional Director. This temporary license shall terminate upon failure to attend the next available approved training course. Applicants who fail to attend the required training course shall not be issued another temporary license, but may reapply for a license upon successful completion of the required training course.

G. Applicants for an Installer/Maintenance Provider License shall submit, along with the license application, proof that they have secured, for at least the duration of the license, general liability insurance in an amount of no less than \$100,000/\$300,000.

**13:023-2 Sub-manufacturer Qualifications**

A. Applicants for a Sub-Manufacturer License shall submit, along with the license application, an endorsement from the manufacturer(s) for the brand(s) of plant(s) he wishes to construct, certifying that he is qualified to construct said plant(s) properly and in accordance with the requirements of this Code. Applications will not be processed unless accompanied by the required endorsement(s).

B. Applicants for a Sub-Manufacturer License shall submit, along with the license application, proof that they have

secured, for at least the duration of the license, general liability insurance in an amount of no less than \$100,000/\$300,000.

**13:023-3 Manufacturer Qualifications**

All licensed manufacturers must be in compliance with the requirements of Appendix A, Section A:6.

INDEX	
Definitions	
Commercial Treatment Facility	13:001
Community Sewerage System	13:001
Conventional Septic Tank System	13:001
Individual Mechanical Plant	13:001
Individual Sewerage System	13:001
Limited Use Sewerage System	13:001
Sanitary Sewage	13:001
Secondary Treatment Standard	13:001
Septic Tank System	13:001
Sewerage System	13:001
Subdivision	13:001
Trailer Coach	13:001
Trailer Park	13:001
Health hazard prevention of	13:002
Owner responsibility of	13:011-2, 13:014-2
Permits	
community sewerage system	13:006
individual sewerage system	13:012
Records	
sewerage treatment plants	13:009
Septic tank systems	
definition	13:001
permit for	13:012
plans approval	13:013
sewage hauling	13:019-1 to 13:019-6
Sewage	
discharge	13:004-1
disposal	13:002, 13:004-1, 13:011, 13:019-5
hauling	13:019-1 through 13:019-6
Sewerage system, community	
connection to	13:002, 13:011-1
definition	13:001
distance from	13:011-1
distance from water sources	13:004-2
maintenance and operation	13:008-1 through 13:008-3
permit for	13:006
plans approval	13:007

Sewerage system, individual definition	13:001
distance from water source	13:004-2, 13:020-2
maintenance and operation	13:015, 13:019-5, 13:020-3
permit for	13:012
plans approval	13:013
State Health Officer	13:002, 13:005, 13:006, 13:008-2, 13:009, 13:010, 13:011-1, 13:011-3, 13:012-1 through 13:012-3, 13:013-2, 13:017-1, 13:018-2, 13:018-5, 13:018-6, 13:019-1, 13:019-3, 13:020-1, 13:020-2, 13:021, 13:022-6
Subdivision	13:001, 13:020-2
Water	
ground	13:004-2, 13:020-2
surface	13:004-1, 13:020-2
water supply	13:004-2

## APPENDIX A

### Regulations Controlling the Design and Construction of Individual Sewerage Systems

#### I. Septic Tanks

**A:1.1** A septic tank is a watertight tank made of steel, concrete or other approved materials in which the settleable solids of sewage settle out and are largely changed into liquids or gases by bacterial decomposition. The remaining residue in the tank is a heavy, black semi-liquid sludge which must be removed from the tank periodically. Although the completely digested sludge contains relatively few disease germs, in cleaning the tank it is impossible to remove the digested sludge without removing some undigested material. Therefore, it is particularly important that the removed sludge be disposed of in a safe manner. There are commercial service companies that will contract for septic tank cleaning and sludge disposal. Such commercial services are controlled by a permit system in accordance with Section 13:019 of the State Sanitary Code.

**A:1.2** Multiple compartment septic tanks or single chamber septic tanks in series provide more effective treatment than single chamber tanks of the same total capacity; therefore, the use of multiple compartment tanks or single tanks in series is encouraged. However, single chamber septic tanks are acceptable.

**A:1.3** The velocity of flow through the tanks must be such that maximum solids and scum retention is achieved. Vertical cylindrical tanks must have horizontal (inlet-to-outlet) separation of at least twenty-four inches.

Tees or baffles must be used at the inlet. The outlet must be designed so as to preclude floating solids from escaping from the tank. The inlet tee or baffle diverts the incoming sewage toward the bottom of the tank without disturbing the scum

which forms on the surface of the liquid, and the outlet prevents the surface scum from flowing out of the tank.

**A:1.4** The minimum total septic tank liquid capacity required is two-and-one-half (2 1/2) times the estimated average daily design flow. Sewage loading criteria for determining the average daily design flow and organic loading are contained in Appendix B of this Chapter. One-bedroom residences may, however, utilize a 500 gallon tank. NOTE: The minimum allowable total septic tank volume for all applications is 500 gallons.

**A:1.5** The distance between the inlet and outlet openings in the tank wall, measured horizontally, shall be not less than twenty-four inches. The distance between the inlet and outlet shall exceed the width of rectangular and oval-shaped tanks.

**A:1.6** The tank shall operate with a liquid depth between a minimum of thirty inches and a maximum of seventy-two inches measured vertically from the invert of the outlet (overflow level) to the bottom of the tank. Recent septic tank studies have indicated the shallower tank to be more efficient and is therefore preferred.

**A:1.7** For tanks having straight vertical sides, the dimension between the top of the tank and the liquid level shall not be less than fifteen percent of the liquid depth. In horizontal cylindrical tanks, the volume of the air space above the liquid shall not be less than fifteen percent of the liquid capacity. In the latter case, this condition is met if the liquid depth (distance from outlet invert to bottom of tank) is at least seventy-nine percent of the diameter of the tank.

**A:1.8** A single tank may be divided into two or more compartments by means of internal partitions. Each compartment shall conform to the dimensions limitations for complete tanks and shall have a liquid capacity of at least two hundred fifty gallons. The total liquid capacity shall conform to the requirements for single chamber tanks. No tanks shall have more than three compartments.

**A:1.9** The tank shall be constructed of materials which are corrosion resistant and provide a watertight permanent structure. The cover of the tank shall be designed for a dead load of not less than one hundred fifty pounds per square foot. Concrete covers must be reinforced with steel and must be not less than four inches thick. Metal septic tanks shall comply with the requirements of Section A:1.15. Tanks of other materials such as fiberglass will be reviewed for acceptance on an individual basis. They will be required to comply generally with the basic applicable standards for metal septic tanks.

**A:1.10** Access to the septic tank for cleaning and inspection shall be provided by a removable cover or manhole. Both inlet and outlet devices as well as each compartment in multiple compartment tanks must be accessible. Manholes, when used shall be at least twenty inches square or twenty-four inches in diameter and provided with covers which can be sealed watertight. Septic tanks with removable covers must be provided with an eight-inch inspection hole over the inlet and the outlet.

**A:1.11** Either tees or baffles shall be provided at the inlet of the tank and shall extend upward at least six inches above the

liquid level of the tank. The inlet tee or baffle shall extend downward to at least six inches below the liquid level, but it shall not extend below the level of the lower end of the outlet tee or baffle. At least two inches of open space shall be provided above the baffle or tee to provide ventilation to the tank through the building plumbing system.

**A:1.12** On the outlet side the tee or baffle shall extend downward to a distance below the water surface equal to forty percent of the liquid depth of tanks with vertical sides and thirty-five percent of liquid depth of tanks of other shapes as measured to the nearest inch. If a tee or baffle is used in the outlet the upper end shall extend 6 inches above the liquid level.

**A:1.13** Inlet and outlet fittings (tees or ells) must be of cast iron, schedule 40 PVC or ABS plastic or other approved material.

**A:1.14** The invert of the inlet shall be located at least two inches above the invert of the outlet.

**A:1.15** Metal septic tanks shall be prefabricated of a minimum of 14 gauge commercial grade steel. Corrosion protection shall, at a minimum, consist of a hot-dipped asphalt coating of at least 0.025-inch thickness properly applied to all surfaces of the new, clean, bare metal.

**A:1.16** The location of a septic tank shall comply with minimum distance requirements from water wells, water lines, etc. as contained in Chapter 12, of this Code.

**A:1.17** The use of septic tanks in series is encouraged. The first tank shall have at least a 500-gallon liquid capacity and all subsequent tanks shall have at least 300 gallon liquid capacities. The total capacity of all tanks in series must comply with the capacities for septic tanks as prescribed in Section A:1.4.

**A:1.18** Piping from the house to the septic tank must be such that the waste flow does not disturb the retention of scum and sludge in the tank. To attain this, the inlet piping from the house must have a minimum diameter of four inches and be laid on a slope of at least one-eighth inch per foot. The slope for the last ten feet of line preceding the septic tank must not exceed one-fourth inch per foot. All plastic piping, excluding perforated pipe, must be a minimum of SDR 35 sewer and drainage pipe or equivalent.

**A:1.19** Backfill around septic tanks must be made in thin layers thoroughly tamped in a manner that will not produce undue strain on the tank. Sufficient soil cover can be provided over the top of the septic tank to permit grass growth. However, no other obstruction to access (i.e., concrete slabs, buildings, etc.) shall be allowed.

**A:1.20** Septic tanks should be inspected every six years and pumped at least every eight years by a licensed sewage hauler.

**A:1.21** Untreated or uncoated metal septic tanks shall not be used.

**A:1.22** Abandoned septic tanks (tanks no longer in active use) shall be pumped out by a licensed sewage hauler, then removed or the cover discarded and the tank filled with soil to natural grade. The contents of the abandoned tank shall not be placed into a newly installed individual sewerage system.

## II. Septic Tank Effluent

**A:2.1** There is a common belief that sewage after treatment in a septic tank is pure water, or very nearly so. This is false. The effluent or liquid flowing from the tank is still foul and dangerous. The septic tank cannot be depended upon to remove disease germs. The discharge of the effluent from septic tanks into street gutters, surface ditches, or streams is prohibited.

**A:2.2** The treatment level of a septic tank is referred to as primary treatment.

**A:2.3** The preferred method of treatment for septic tank effluents is accomplished through the use of soil absorption trenches. Small oxidation ponds or sand filter beds may be used in lieu of absorption trenches only where soil and drainage conditions or available space prevent the use of absorption trenches. The level of treatment of these units is referred to as secondary treatment.

**A:2.4** The use of absorption trenches, oxidation ponds and filter beds for the treatment of septic tank effluents is discussed in detail in the following paragraphs of these standards.

## III. Absorption Trenches

**A:3.1** Where soil conditions are satisfactory and sufficient land is available, septic tank effluent shall be disposed of in absorption trenches. This consists of a system of covered gravel (or other approved aggregate) -filled trenches into which the septic tank effluent is applied so as to permit the liquid to seep into the soil. By action of microorganisms in the soil, the organic matter is converted into mineral compounds.

**A:3.2** A number of variables determine whether an absorption trench is feasible, including: soil porosity (permeability), ground water table, available space, and the rate at which septic tank effluent enters the soil (percolation rate). In general three conditions should be met.

A. The soil percolation rate must be within the acceptable range.

B. The maximum elevation of the ground water table should be at least two feet below the bottom of the proposed trench system.

C. Clay formations or other impervious strata should be at a depth greater than four feet below the bottom of the trenches.

**A:3.3** Unless these conditions are satisfied, the site is unsuitable for a subsurface sewage disposal system, and an alternative method must be utilized.

**A:3.4** The acceptability of soil for an absorption trench system and the required size of such a system is currently based upon the "Percolation Test" described below.

A. Three or more tests must be made in separate test holes spaced uniformly over the proposed absorption field site.

B. Dig or bore a hole, with horizontal dimensions of from four to twelve inches and vertical sides to the depth of the proposed absorption trench. In order to save time, labor, and volume of water required per test, the holes may be bored with a four-inch auger.

C. Carefully scratch the bottom and sides of the hole with a knife blade or sharp-pointed instrument in order to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Remove all loose material from the hole.

D. To conduct the test, fill the hole with clear water. This pre-wetting procedure should normally be accomplished on the day prior to the percolation rate measurement. This procedure is to insure that the soil is given ample opportunity to swell and to approach the operating condition of the wet season of the year. Thus, the test should give comparable results in the same soil whether made in a dry or in a wet season.

E. With the exception of sandy soils, percolation rate measurements shall be made on the day following the procedure described under Subparagraph D above. Add water until the liquid depth is at least six inches, but not more than twelve inches from a fixed reference point. Measure the drop in water level over a sixty- minute period. This drop is used to calculate the percolation rate. Figure 1 shows methods of percolation rate measurement. If the drop in liquid depth in the first thirty minutes is less than one inch, it is unnecessary to continue the test for the full sixty-minute period.

F. The distance the water falls in sixty minutes in each of the three test holes is recorded. The average drop for the three holes is used to determine the total length of absorption trench from Table 1 below.

**TABLE 1**  
**Absorption Trench Length Requirements**  
**For Individual Residences**

Average Water Level Drop in 60 Minutes (in inches)	Length (in Feet) of Absorption Trenches Required per Bedroom*
More than 12	72
2	83
11	87
10	91
9	96
8	100
7	104
6	110
5	117
4	127
3	142
Less than 3	Not acceptable for absorption field

NOTE: A minimum of 160 linear feet of field line shall be provided.

\* -or per 150 gpd of design flow for non-residential applications.

**A:3.5** Many different designs may be used in laying out an absorption trench system. The choice will depend on the size and shape of the available disposal area, the capacity required and the topography of the area.

**A:3.6** The septic tank effluent is applied to the absorption field through a system of level bottomed trenches. Conventional field lines are laid on a slope of two to three inches per 100 feet. Gravelless pipe and other distribution chambers must be laid as close as possible to a slope of one inch per 100 feet. A distribution box may be required for equal distribution of the effluent. Figure 2 and 3 show a typical layout of a conventional absorption trench system for flat and sloping areas.

**A:3.7** To provide the minimum required backfill depth and earth cover, the depth of the absorption trenches must be a minimum of eighteen (18) inches. Additional depth may be needed for contour adjustment for extra backfill under the distribution line or for other design purposes. However, the total depth must not exceed twenty-four inches.

**A:3.8** Careful construction is important in obtaining a satisfactory soil absorption system. Figure 4 shows details for absorption trench construction.

**A:3.9** Individual trenches shall not be greater than 100 feet in length and not less than 18 inches in width. The center line distance between individual trenches shall be at least six feet. In addition, the absorption trenches shall be located at least ten feet from any dwelling or property line.

**A:3.10** The location of the absorption trenches shall comply with minimum distance requirements from water wells, water lines, etc., as contained in Chapter 12 of this Code.

**A:3.11** In every case, at least two trenches shall be used.

**A:3.12** Trench bottoms must be level to promote even distribution, thereby minimizing premature failure of a portion of the trench. During excavation, attention must be given to the protection of the soil. Care must be taken to prevent sealing of the surface on the bottom and sides of the trench. Trenches should not be excavated when the soil is wet enough to smear or compact easily. All smeared or compacted surfaces must be raked to a depth of one inch and loose material removed before the backfill is placed in the trench.

**A:3.13** Conventional field lines shall consist of perforated non-metallic pipe meeting one of the following standards: PVC sewer pipe and fittings (Thin wall), ASTM D2729-93 Smooth wall polyethylene (PE) pipe, ASTM F810-93, for use in waste disposal absorption fields; SRP pipe and fittings, ASTM D2852-93.

In every case, the minimum acceptable diameter is four inches. Although the trench bottom is level, conventional field pipes must be laid on a slope of between two to three inches per 100 feet to provide even distribution of the liquid throughout the trench.

**A:3.14** Where conventional field pipe is used, it must be surrounded by clean graded gravel or rock, broken, hard-burned clay brick or similar material. The bed material may range in size from one-half inch to 2.5 inches. The gravel must extend from at least two inches above the top of the pipe to at least six inches below the bottom of the pipe. The top of

the stone should be covered with either untreated building paper, or similar pervious material to prevent the gravel from becoming clogged by the earth backfill (See Figure 4).

**A:3.15** Where gravelless pipe or distribution chambers are used, the fill must be porous soil or sand which allows the passage of water in all directions with a 6-inch layer below the pipe and filled 4 to 6 inches above grade and spread 3 to 4 feet on either side of the trench. Only gravelless pipe or other distribution chambers specifically approved for use in Louisiana by the State Health Officer may be used. The total length of gravelless distribution products required is the same as for conventional absorption trenches.

**A:3.16** For an absorption trench to work properly, it must have access to air, generally through the soil interstices of the backfill. Therefore, the absorption trench should be backfilled with four to twelve inches of pervious soil, hand-tamped and then overfilled with about four to six inches of earth. Care should be taken to avoid compacting of the backfill.

**A:3.17** All of the above listed requirements, with the exception of the protection of water supplies, are aimed at preventing absorption trench clogging and premature failure. In addition, the septic tank should be inspected every six years after installation and pumped, as necessary, to prevent solid overflow to the soil absorption system and subsequent clogging and failure.

**A:3.18** Absorption trenches shall not be located:

- A. beneath driveways, parking or other paved areas;
- B. in areas that may be subjected to passage or parking of heavy equipment or vehicles, or storage of materials;
- C. beneath buildings or other structures.

#### **IV. Oxidation Ponds**

**A:4.1** An oxidation pond is a shallow pond designed specifically to treat sewage by natural purification processes under the influence of air and sunlight. The stabilization process consists largely of the interactions of bacteria and algae. Bacteria digest and oxidize the constituents of sewage and render it harmless and odor free. Algae utilize carbon dioxide and other substances resulting from bacterial action and through photosynthesis produce the oxygen needed to sustain the bacteria in the treatment process.

During the detention period, the objectionable characteristics of the sewage largely disappear.

**A:4.2** The minimum surface area of an oxidation pond must be no less than 400 square feet (twenty feet by twenty feet) with a four to five foot average liquid depth and vertical side walls. This minimum size pond is adequate for design flows of up to 400 gallons/day (gpd). For design flows in excess of 400 gpd, the pond area must be increased to provide sufficient volume (at the four foot depth) to hold 30 days worth of flow (a 30-day retention period). For wastes with high BOD loadings, special consideration for increasing pond size must be given.

**A:4.3** Figure 5 shows a typical layout for a septic tank-oxidation pond system. The actual layout of any pond system will be governed to a great extent by the topography of the particular location. However, an oxidation pond must be located so as to comply with the minimum distance

requirements from water wells, lines, etc., as contained in Chapter 12 of this Code. It is also desirable for aesthetic reasons to locate it as far as possible, but at least fifty feet from any dwelling and no less than twenty feet from the property line to water's edge at normal operating line.

**A:4.4** As mentioned, the use of the minimum surface area of 400 square feet requires that an oxidation pond be furnished with vertical side walls so that an adequate volume for treatment is provided. Figure 6 shows a type of construction utilizing treated timber which under normal soil conditions is acceptable for the vertical side walls of a twenty foot by twenty foot oxidation pond with a five foot average water depth. Figure 7 shows a similar type of construction utilizing concrete blocks. Either of these designs requires very little maintenance.

**A:4.5** Vertical side walls must be of cypress or treated timbers or concrete blocks and so constructed as to provide a permanent structure.

**A:4.6** Although not encouraged, a pond may be constructed with sloping sides and earthen levees. Such a design is shown in Figure 8. The design requires a minimum surface area of 625 square feet (25 feet by 25 feet) with a five foot liquid depth at the center in order to achieve the required volume. The cost of this design is less than that of the vertical wall ponds referred to above, but more space is needed and routine maintenance requirements such as levee mowing are greater. The slope of the natural earth side walls must not be shallower than one-to-one (forty-five degree angle). (See Figure 8.)

**A:4.7** A septic tank must precede the oxidation pond and must comply with the septic tank requirements presented in these regulations.

**A:4.8** The pipe from the septic tank to the pond as well as the outfall pipe from the pond must be at least four inches in diameter and placed at a minimum slope of two inches per 100 feet. The inlet must extend four to six feet horizontally into the pond and be directed downward at least 1-1/2 to 2 feet below the liquid surface level. The outlet must extend four to six feet horizontally into the pond and consist of a tee with the invert set at the operating water level of the pond. One leg of tee must be open and extend above the water level, while the down leg is extended 1-1/2 to 2 feet below the water level. The invert of the pond outlet must be lower than the pond inlet invert. (See Figure 8.) Additionally the invert of the pond inlet must be at least two inches lower than the invert of the septic tank outlet.

**A:4.9** The pond shall be enclosed by a suitable non-climbable fence to keep out children, pets and livestock. An open type fence (woven wire) is preferable because it will not restrict sunlight and air which are necessary for the treatment. The fence shall be at least five feet in height and be provided with a locked gate.

**A:4.10** Abandoned oxidation ponds (ponds no longer in active use) shall be dewatered, allowed to dry and then filled with soil to natural grade.

#### **V. Sand Filter**

**A:5.1** Another alternative for the secondary treatment of septic tank effluent is a deep-type sand filter bed. Treatment in a sand

filter bed is accomplished by the action of microorganisms in a sand bed in which the suspended solids of the septic tank effluent have been trapped by filtration. It is important that the sand bed remain aerobic throughout the treatment process. This is accomplished by exposing the sand surface to the air as much as possible on a continuous basis. Of course, the best way this can be done is to place no cover whatsoever over the sand bed. Since this is not aesthetically desirable for homes, a coarse gravel cover of clean, washed gravel, not to exceed six inches in depth over the bed is permitted. No other cover is acceptable. A filter bed system is shown in Figure 9.

**A:5.2** The sand filter bed is constructed by placing perforated pipe near the bottom of a rectangular area of the required size in a layer of gravel covered by a layer of coarse sand twenty-four inches deep. On top of this are placed distribution lines (perforated pipe) likewise encased in a layer of gravel. (See Figure 10). The septic tank effluent is distributed speedily in the gravel cover spreading over the top of the sand seeping slowly and vertically through the sand to the bottom layer of gravel to be carried away in the under drain line.

**A:5.3** Sand filter beds are to be constructed with a minimum width of twelve feet and a minimum length of twenty-five feet. This minimum size filter bed is adequately sized for design flows of up to 400 gpd. For greater design flows, the required length shall be increased by eight feet for each additional 150 gpd or portion thereof.

**A:5.4** The bed must be drained completely. This may require the bed to be raised above natural ground level.

**A:5.5** To prevent sand infiltration into the underdrain, a layer of graded gravel must be placed over the underdrain line and the entire bottom of the filter bed. All gravel must be clean and washed.

**A:5.6** Filter sand shall conform to the following standard specifications:

U.S. Sieve Size	Tyler Screen Size	% Passing (By Weight)
Number 4	Number 4	95-100
	Number 14	60-80
Number 16	Number 28	5-20
Number 50	Number 48	0-5
Number 100	Number 100	0

**A:5.7** At least two distribution lines must be provided and they must be sloped two inches to three inches per 100 feet. The lines must be four-inch diameter, twenty-inch long farm tile, two feet to three-foot lengths of vitrified clay bell-and-spigot sewer pipe laid with open joints, or perforated nonmetallic pipe meeting one of the standards cited in A:3.13. The ends of the distribution lines must be half-closed. (See Figure 10).

**A:5.8** Underdrain pipe materials are the same as those for the distribution pipe, however, the slope must be no less than four inches per 100 feet.

**A:5.9** The filter bed must be appropriately protected from surface runoff water.

**A:5.10** The filter bed must be located no less than ten feet from the property line.

**A:5.11** The location of the filter bed shall comply with minimum distance requirements from water wells, water lines, etc., as contained in Chapter 12 of this Code.

## VI. Mechanical Waste Water Treatment Plants

**A:6.1** Mechanical wastewater treatment plants are small plants capable of providing primary and secondary treatment of sanitary sewage. All are considered to be aerobic treatment units.

**A:6.2** An individual mechanical plant will be permitted where individual sewerage systems would currently be permitted under prevailing rules as set forth in this Chapter of the State Sanitary Code. Sewage loading criteria for determining the average daily design flow and organic loading are contained in Appendix B of this chapter.

**A:6.3** An individual mechanical plant will be permitted in lieu of a conventional septic tank system (septic tank/absorption field) only in accordance with the provisions of Section 13:011-2 of this Code, and where a conventional septic tank system could not be permitted.

**A:6.4** Permitted individual mechanical plants shall strictly comply with National Sanitation Foundation International Standard, NSF 40-1996 for Residential Wastewater Treatment Systems (Class I Systems) as revised May 1996 and published by NSF International, P.O. Box 130140, Ann Arbor, Michigan 48113-0140 USA, and as has been approved by the American National Standards Institute, 11 West 42nd Street, New York, New York 10036 as standard ANSI/NSF 40-1996, revised May 28, 1996.

**A:6.5** All individual mechanical plants currently approved for installation in Louisiana as of the effective date of these regulations shall not be required to meet the requirements of paragraph 6.4 until January 1, 2000. Until January 1, 2000, plants shall continue to comply with the standards under which they were approved. Effective January 1, 2000, all plants shall comply with the standard as stated in paragraph 6.4.

**A:6.6** In addition to evidence of strict compliance with NSF International Standard NSF 40-1996 (Class I Systems), and ANSI/NSF 40-1996 (Class I Systems), as are specified in A:6.4 of this code, the following Department of Health and Hospitals/Office of Public Health (DHH/OPH) requirements shall also apply.

### A. Testing/Evaluation (General)

All certifications of individual mechanical plants shall be conducted by an American National Standards Institute (ANSI) accredited certification program testing/evaluation facility authorized for such purpose(s). Verification of such certification shall be provided to DHH/OPH, subject to acceptance by DHH/OPH of such verification, as prerequisite to consideration of any individual mechanical (residential) plant for permitting in Louisiana.

Evidence of acceptance by DHH/OPH of an ANSI accredited testing/evaluation facility, for purpose of

testing/evaluation of individual mechanical (residential) plant(s) for permitting in Louisiana shall be demonstrated upon execution of an appropriate Memorandum of Understanding (MOU), or other, similar contractual instrument, subject to terms and conditions as may be imposed by DHH/OPH - said MOU to be between DHH/OPH and the testing/evaluation facility.

Successful completion of testing/evaluation of an individual mechanical (residential) plant in accordance with applicable provisions of this Code, having been properly tested/evaluated and certified by an appropriate facility, shall serve to allow the DHH/OPH authorization of an individual mechanical (residential) plant for permitting purposes in Louisiana for a period not to exceed seven (7) years from the date of such DHH/OPH authorization, or until such time as an appropriate revision to the prevailing testing/evaluation standard for such purposes may become revised. Such authorization of an individual mechanical (residential) plant for permitting purposes in Louisiana shall be in the form of a written license by DHH/OPH to a manufacturer of such individual mechanical (residential) plant(s), subject to compliance with applicable provisions of this Code - such license to be valid for the specified period, annually renewable, and suspendable/revocable by DHH/OPH in accordance with license revocation procedures as specified in 13:022-6.

#### B. Licensing

In addition to evidence of compliance of an individual mechanical (residential) plant having been properly tested/evaluated and certified by an appropriate facility, certain additional requirements shall serve as a basis for licensing by DHH/OPH of such individual mechanical (residential) plant in Louisiana. These additional requirements shall apply, as appropriate, to the manufacturer and/or manufacturer representative, agent, sub-manufacturer or other associated entity, as appropriate, involved in the manufacture, marketing, sale, installation and/or maintenance of such (any) individual mechanical (residential) plant(s) in Louisiana. Further, with respect to the testing/evaluation facility which may have certified the individual mechanical plants being in compliance with the testing/evaluation standard contained herein, certain additional requirements, for licensing purposes, shall apply.

These additional requirements are specified as follows.

##### (1) Testing/Evaluation Facility Responsibilities

In addition to providing testing/evaluation services with respect to individual mechanical (residential) plants scheduled for manufacture, marketing, sale, installation and maintenance in Louisiana, the testing/evaluation facility shall also serve to provide oversight liaison services both to the manufacturer of the individual mechanical (residential) plant, as well as to DHH/ OPH. However, DHH/OPH communication with the testing facility will be at the OPH Program Manager level, or higher. While it is recognized that the testing/evaluation facility may exercise its fiduciary right to exact such fees or other reimbursement costs as appropriate from a manufacturer (client), under no circumstances may the testing/evaluation

facility exact such fees or other reimbursement costs from DHH/OPH in order to compensate for any of these regulatory requirements. Accordingly, the following requirements shall be included in the MOU.

(a) It shall be required that all individual mechanical (residential) plant manufacturers will be inspected annually by the testing/evaluation facility having certified the related individual mechanical (residential) plant and that DHH/OPH shall be, upon request, furnished with copies of all reports of such inspections, which shall include at a minimum the verification (or re-verification) of all "forms" used in the manufacture (or sub-manufacture) of individual mechanical (residential) plants.

(b) It shall be required that a representative number, up to four (4) but in, no case more than 10 percent, of all manufacturers authorized sub-manufacturers of individual mechanical (residential) plants will be inspected annually by the testing/evaluation facility having certified the related individual mechanical (residential) plant and that a report shall be retained by the testing/evaluation facility and shall, upon request by DHH/OPH, make such information available to DHH/OPH, which shall include at a minimum the verification of service records for all related individual mechanical (residential) plant installations and availability of stand-by parts.

(c) It shall be required that a representative number of installations in Louisiana, but in no case less than ten (10), of all individual mechanical (residential) plants manufactured by manufacturers and their respective sub-manufacturers will be inspected annually by the testing/evaluation facility having certified the related individual mechanical (residential) plant and that a report shall be retained by the testing/evaluation facility and shall, upon request by DHH/OPH, make such information available to DHH/OPH, which shall include at a minimum the verification (or re-verification) that individual mechanical (residential) plants and their respective installation(s) are in conformity with the plans and specifications as are reflected in the testing/evaluation report which was approved for the related individual mechanical (residential) plant.

(d) It shall be required that copies of all inspection/audit reports conducted by a testing/evaluation facility with regard to a client-related manufacturer (or sub-manufacturer) of individual mechanical (residential) plants will be retained by the testing/evaluation facility and shall, upon request by DHH/OPH, make such information available to DHH/OPH upon completion of said report(s).

(e) It shall be required that copies of all reports of non-compliance and/or reports of complaint(s) investigations by a testing/ evaluation facility with respect to a client-related manufacturer (or sub-manufacturer) of individual mechanical (residential) plant(s) will be retained by the testing/evaluation facility and shall, upon request by DHH/OPH, make such information available to DHH/OPH upon completion of said report(s).

(f) It shall be required that any modification(s) to an individual mechanical (residential) plant, once certified by an

ANSI accredited testing/evaluation facility, shall be subject to re-evaluation by the testing/evaluation facility and that written acceptance of the change by the ANSI accredited testing/evaluation facility shall be received by the manufacturer prior to incorporating the change; this information also to be transmitted to DHH/OPH.

(g) In the event that the original testing/evaluation facility no longer conducts testings/evaluations and certifications of individual mechanical (residential) plants for a specific manufacturer, it will be the responsibility of the testing/evaluation facility to insure an orderly transfer of the documentation supporting certification to the manufacturer for transmittal to another ANSI accredited testing/evaluation facility at the manufacturer's choice.

#### (2) Manufacturer/Sub-Manufacturer Responsibilities

In addition to other, related requirements of this Code as pertain to the manufacture, marketing, sale, installation and maintenance of individual mechanical (residential) plant(s) in Louisiana, the manufacturer (or sub-manufacturer, or installer, as appropriate) of an individual mechanical plant shall also be responsible for insuring compliance with the following:

(a) It shall be required that the manufacturer/sub-manufacturer shall annually inspect at least 10 percent of its authorized installers in Louisiana of certified individual mechanical (residential) plants (products) and shall provide written reports of such inspections, which shall minimally address certain matters specified by DHH/OPH, both to the testing/evaluation facility of record as well as to DHH/OPH.

(b) It shall be required that the manufacturer/sub-manufacturer(s) installers of individual mechanical (residential) plant(s) must maintain a current list of all sales/installations of individual mechanical (residential) plants and shall, upon request by DHH/OPH, make such information (i.e., name, address of purchaser, date of sale, etc.) available to DHH/OPH.

(c) It shall be required that manufacturers/sub-manufacturers/installers, as appropriate must provide a minimum two (2) year service policy to the purchaser of each individual mechanical (residential) plant purchased/ installed at no additional cost, with verification provided to DHH/OPH and the purchaser, of such service policy provision. The initial policy shall contain provisions for four inspection/service visits (scheduled once every six months over the 2-year period) during which electrical, mechanical, and other applicable components are inspected, adjusted, and serviced. The initial service policy shall also contain provisions for an effluent quality inspection consisting of a visual assessment of color, turbidity, and scum overflow, and an olfactory assessment for odor.

(d) It shall be required that the manufacturers/sub-manufacturers/installers, as appropriate must make available (subject to the purchaser's right of refusal) an extended service/maintenance agreement with terms comparable to those in the initial service policy, in writing.

(e) The manufacturer/sub-manufacturer shall insure that the individual mechanical (residential) plant and its component parts are properly and easily identified.

(f) The manufacturer/sub-manufacturer shall secure such license(s) as may be required by other, applicable provisions of this Code for purpose(s) of manufacture, marketing, sale, installation and/or maintenance of individual mechanical (residential) plant(s) in Louisiana - such license(s) requirement(s) to include, at a minimum as condition of licensure, the verifiable imposition of such insurance, bonding and related requirements as may become stipulated by DHH/OPH for purpose(s) of such related business activities conduct in Louisiana.

(g) Manufacturers shall specifically authorize the ANSI accredited testing/evaluation facility to release to DHH/OPH all of the documentation outlined in terms (1) (a) through (g) above.

#### C. Certification

Licensing will be based on a two phase Certification process, as follows:

(1) Initial Certification: Consisting of evidence of successful completion of the herein prescribed testing of an individual mechanical (residential) plant, by the appropriate ANSI accredited testing/evaluation facility conjunctive with an actual onsite physical inspection and audit of all plant manufacturer (company) and sub-manufacturer facilities and production locations by the appropriate ANSI accredited testing facility.

(2) Continuing Certification: Consisting of evidence of an annual re-certification, re-inspection and re-audit by the ANSI accredited testing/evaluation facility of all plant manufacturers (company) and sub-manufacturer facilities and production locations, as well as an evaluation of a representative number (no less than four) of all manufacturers authorized distributors and plants (units/models) sold and installed, with report(s) of such evidence available to DHH/OPH upon request.

**A:6.7** Persons proposing to sell individual mechanical plants for installation in Louisiana shall submit an evaluation report indicating compliance with ANSI/NSF Standard Number 40 and obtain approval from the Department of Health and Hospitals, Office of Public Health, P.O. Box 60630, New Orleans, Louisiana 70160, prior to selling/installing plants in the state. The compliance evaluation report shall be prepared by an ANSI certified testing laboratory as required in paragraph 6.4, and shall include positive identification of all owners, officers, agents, stockholders, contractors, sub-contractors, as may be in any manner or by any means associated with the entity seeking a permit.

**A:6.7-1** Upon approval of an evaluation report by the Department of Health and Hospitals, Office of Public Health, the subject individual mechanical plant may be permitted for use in Louisiana. The Office of Public Health will maintain a list of licensed Manufacturers and respective individual mechanical plants permitted for sale/installation in the state.

**A:6.7-2** Any alteration or modification of an individual mechanical plant without the certification of the ANSI certified testing laboratory and subsequent approval of DHH-OPH shall constitute a violation of this section and shall be grounds for suspension/revocation of any permit or license held by each

person responsible for such changes, alterations or modifications.

**A:6.8** Licenses shall remain valid subject to the following:

(a) No person involved with the testing facility either directly or indirectly, may become an owner, partner, or stockholder of any company holding any license to manufacture, submanufacture, install or maintain individual mechanical treatment plants in Louisiana within two years of the approval date of said plant by the Office of Public Health.

(b) Should a change of ownership occur, the manufacturer license for such plant shall be rescinded.

(c) The licensed Manufacturer shall submit to the Office of Public Health, not later than January 31 of each year, proof that they have secured general liability insurance in an amount of not less than \$1,000,000.

(d) The licensed Manufacturer shall be responsible for assuring that their mechanical plants are sold only to licensed submanufacturers and installers in order to prevent the installation of their plants by unauthorized persons.

**A:6.8-1** Persons appealing the denial of their application under the Administrative Procedure Act shall post a cost bond prior to the scheduling of such hearing. The plaintiff shall forfeit the cost bond to the state when said appeal is denied by the hearing officer. The hearing officer is to determine the amount of the cost bond, on a per diem basis. The costs shall include room rental, hearing officer fees, court reporter fees, and transcript costs.

**A:6.9** Individual mechanical plants and all components must be installed in compliance with the minimum separation requirements for water wells and appurtenances as required in Chapter XII of this Code.

**A:6.9-1** Individual mechanical plants should be installed at least ten feet from the property line.

**A:6.10** Determination of compliance with NSF Standard Number 40 requirements and/or additional related requirements provided for in this Appendix shall be the responsibility and sole authority of the State Health Officer acting through the Office of Public Health.

#### **Part B. Warranty/Maintenance/Service Provisions**

**A:6.11** The "Individual Mechanical Plant Initial Warranty Inspection/Service Report" must be submitted to the State Health Officer after each warranty/maintenance inspection is completed by the maintenance provider, and will become part of the permanent record for each system. A maintenance contract shall be offered to the owner after the initial two-year service contract expires in accordance with National Sanitation Foundation Standard Number 40 relating to Residential Wastewater Treatment Systems, adopted by the Board of Trustees of the National Sanitation Foundation (NSF), Ann Arbor, Michigan, as revised May 1996. The maintenance provider shall notify the State Health Officer whenever an extended service contract has been negotiated.

**A:6.12** The owner is responsible for perpetual maintenance of the sewerage system and components thereof. Proof of perpetual maintenance of the system shall be provided in the form of an extended service contract.

## **VII. Sanitary Pit Privy**

**A:7.1** Where a dwelling is not served with water under pressure, water carriage waste systems as covered herein can not be used. In these cases, a pit privy or other non water-borne system is required for excreta disposal.

**A:7.2** Pit privies, when used, shall be located so that they will not pollute domestic, private, or public water supplies. To accomplish this, they must be located on the downgrade from water wells and water supply lines and in accordance with the minimum distance requirements as contained in Chapter 12 of this Code. Pit privies must be located at least four feet from any fence, ditch or building to give room for a proper earth mound. They must be housed as separate units and must be located at least ten feet from the property line.

**A:7.3** Details of the construction and maintenance of approved pit privies may be obtained by referring to a pamphlet entitled "Louisiana Type Sanitary Pit Privy" which is available through the Department of Health and Hospitals, Office of Public Health, P. O. Box 60630, New Orleans, Louisiana 70160.

## **VIII. Pumping Stations**

**A:8.1** When the elevation of a site prevents the use of gravity flow to convey liquid from one location to another, a pumping station (Figure 22), consisting of a holding tank, pump(s), piping, electrical controls, and other equipment as necessary, must be provided.

**A:8.2** Many manufacturers build pumps, and in some cases complete pump stations, for the special purpose of handling wastewater, either raw, partially treated, or treated. Such specially built pump stations may be used, provided all other code requirements are met.

**A:8.3** Pumps utilized in pump stations must be suitable for the specific application proposed. Pumps must be provided with impellers and casings constructed of corrosion resistant materials.

**A:8.4** Pumps shall be provided to accommodate required elevation and hydraulic heads and peak flow rates, and be cycled in a manner not to be unduly disruptive to any downstream system.

**A:8.5** The pump station holding tank must be constructed of materials suitable for septic tank use in accordance with Sections A:1.9 and A:1.15 of this Chapter. Additionally, molded fiberglass, reinforced polyester (FRP) resin tanks having a minimum wall thickness of 1/4" are also acceptable.

**A:8.6** Holding tanks shall be constructed and installed with suitable foundations to prevent settling due to soil conditions or floating of the tank due to high water table elevations.

**A:8.7** Pump station holding tanks shall be constructed and installed so as to be watertight. All wall seams, seams between walls and tank floor, and openings such as for pipes and wiring shall be sealed watertight. Additionally, all holding tank covers and access openings shall be attached in watertight manner by gaskets or grooves and should be sufficiently above the ground, but in no case less than three (3) inches above ground, to prevent the entrance of surface runoff water.

**A:8.8** The holding tank shall have a minimum diameter or dimension of twenty-four (24") inches. The cover shall be equipped with an access opening of sufficient size to allow for pump maintenance and removal, but in no case less than twelve (12") inches in diameter or dimension.

**A:8.9** Pumps shall be installed in such a manner as to allow for removal and/or maintenance of the pump without necessitating entry into the holding tank by maintenance personnel. Pumps shall be provided with suitable means of quick, convenient disconnection from discharge piping and electrical wiring. Provisions must be made for lifting the pump from the holding tank with minimal exposure to the liquid in the tank.

**A:8.10-1** Suitable level control devices for use in the harsh, corrosive environment encountered, shall be provided to control pump operation. The level controls shall provide for the following functions: "pump off," "pump on," and "high water alarm."

**A:8.10-2** All materials utilized within the holding tank, whether above or below water level, shall be constructed of materials resistant to corrosion from the hostile operating environment of the tank.

**A:8.10-3** An audible and visual "high water alarm" shall be provided and shall be located in a conspicuous location. A reset button should be provided for the audible signal in a convenient location so that relief can be easily obtained.

**A:8.10-4** The "pump off" level shall be set at the minimum elevation as recommended by the specific pump's manufacturer.

**A:8.10-5** The "pump on" level shall be set at elevation to provide a minimum working volume of ten (10 percent) per cent of the average daily design flow of the treatment system.

**A:8.10-6** The "high water alarm" level shall be set so as to provide for a net storage volume between the "pump on" level and the "high water alarm level" of ten (10 percent) per cent of the average daily design flow of the treatment system.

**A:8.10-7** A reserve volume may be provided between the "high water level" and the invert of the inlet pipe to the holding tank, if so desired.

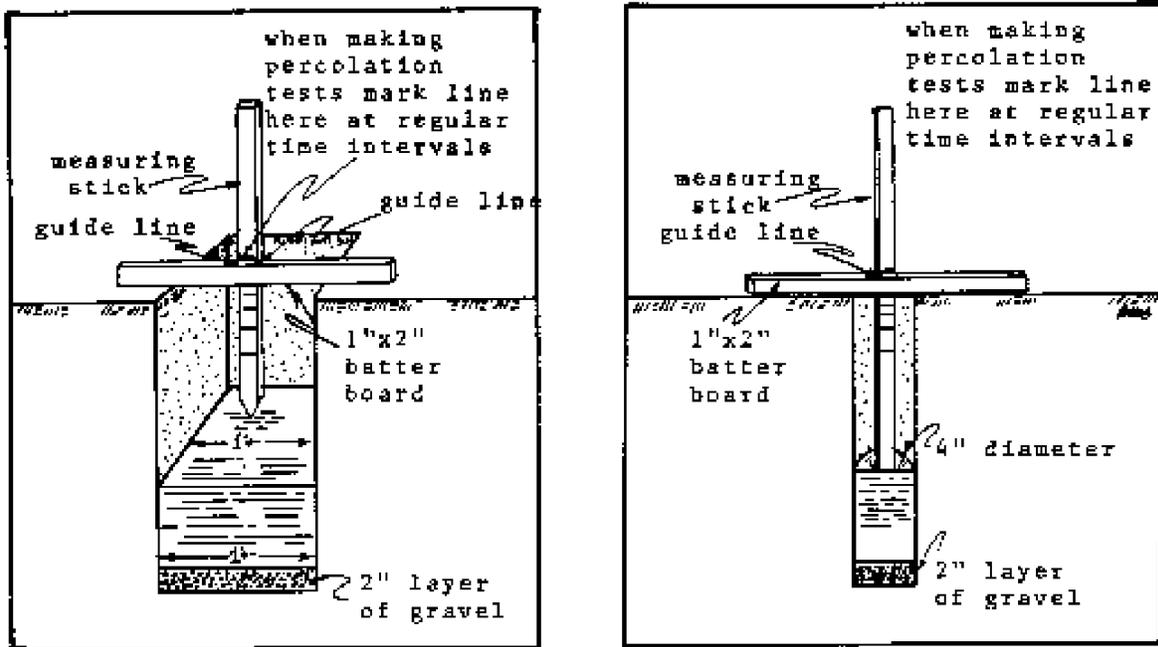
**A:8.11-1** All electrical wiring and controls must be appropriate for the applications for which they are used and meet prevailing electrical codes. Due consideration for the exposure to a harsh environment and the need for watertight connections and conduit must be accounted for in all electrical work.

**A:8.11-2** Electrical connections to the main panel in the house must be made according to prevailing electrical codes.

**A:8.11-3** The pump must be wired for automatic level control with a manual override located at the control panel.

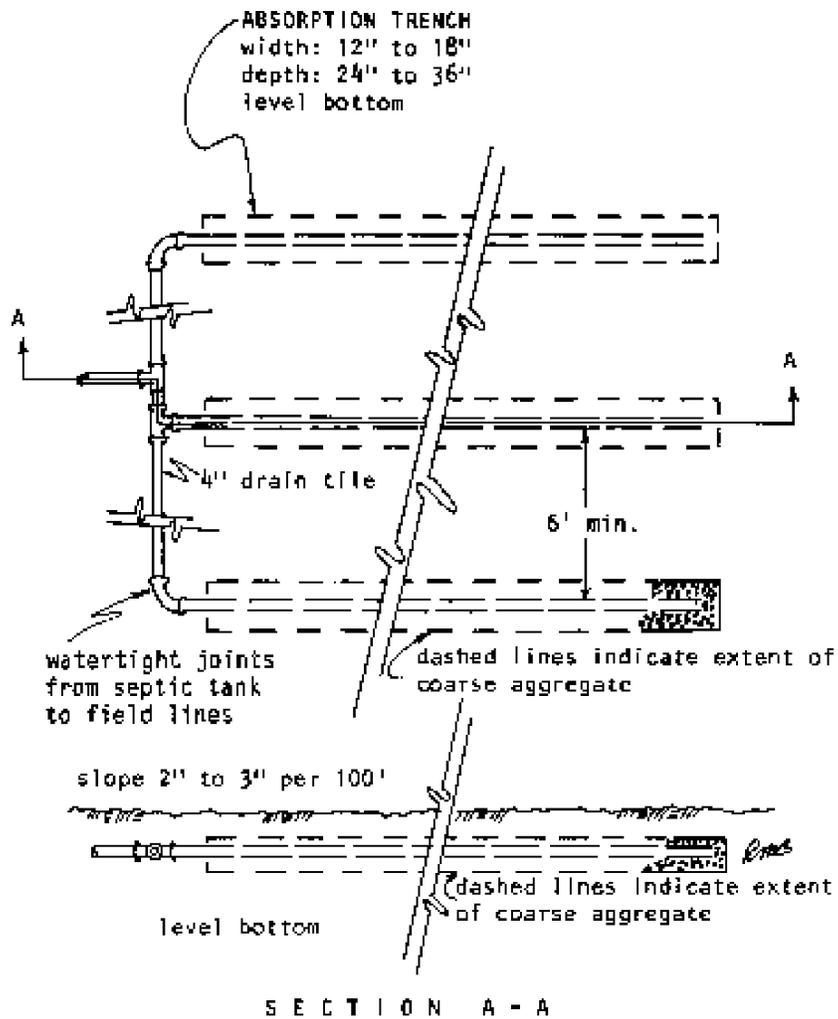
**A:8.12** Raw sewage pumps and piping must accommodate the passage of two-inch solids.

**A:8.13** Suction and discharge piping for sewage effluent pumps must conform to the pump manufacturer's recommendations. However, piping should not be less than 1.25 inches in diameter and be capable of withstanding a pressure of 75 psi.



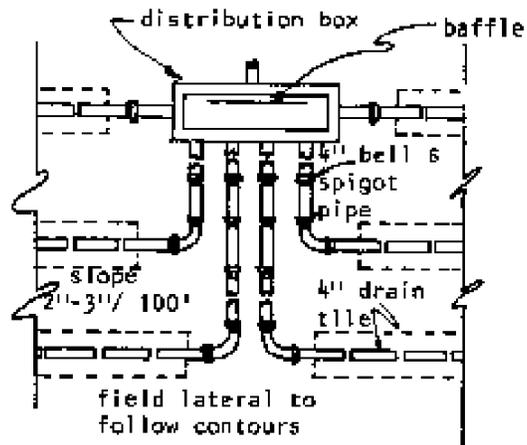
- NOTE: 1. Leave batter board in place, being careful not to move it during tests.
2. Keep measuring stick within guide lines on batter board when each reading is taken.

FIGURE 1  
METHODS OF MAKING PERCOLATION TESTS

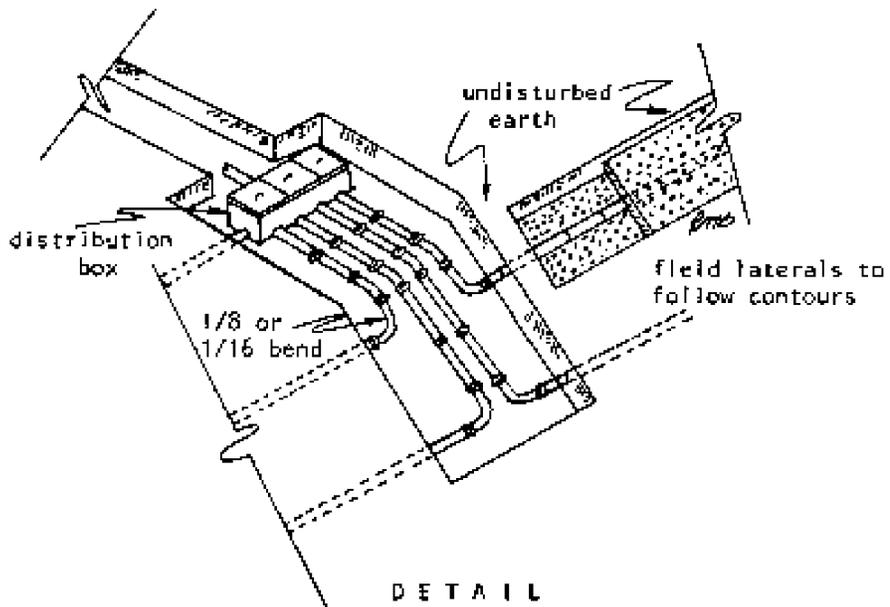


NOTE: See Figure 4 for additional details

**FIGURE 2**  
**TYPICAL LAYOUT OF ABSORPTION TRENCH**



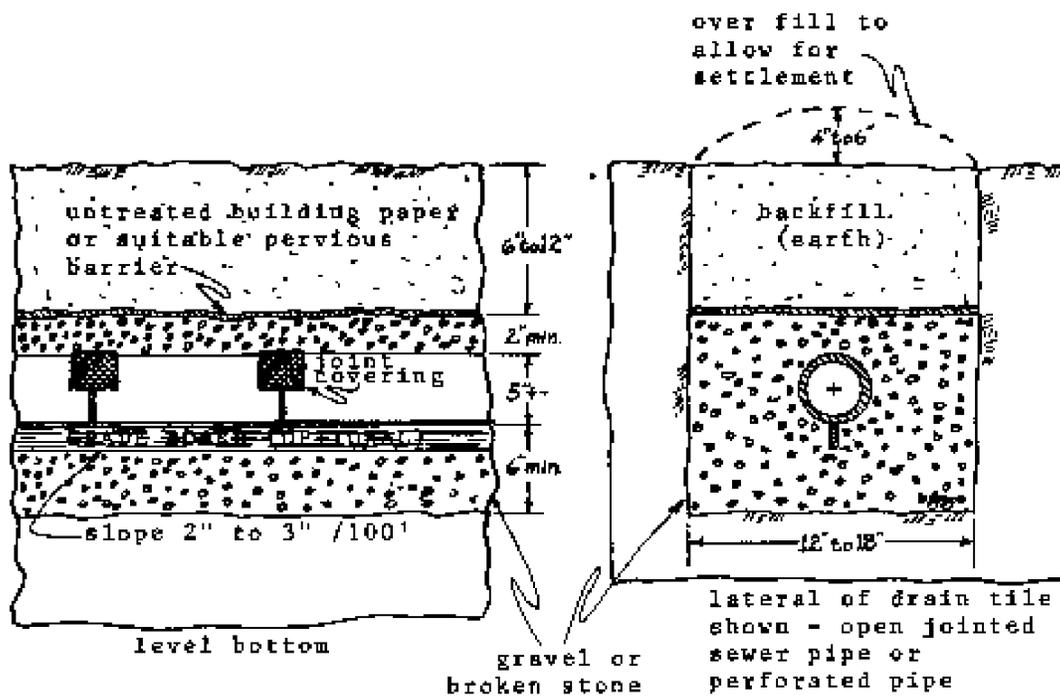
P L A N



D E T A I L

NOTE: See Figure 4 for additional details

**FIGURE 3**  
**ABSORPTION FIELD SYSTEM FOR SLOPING GROUND**

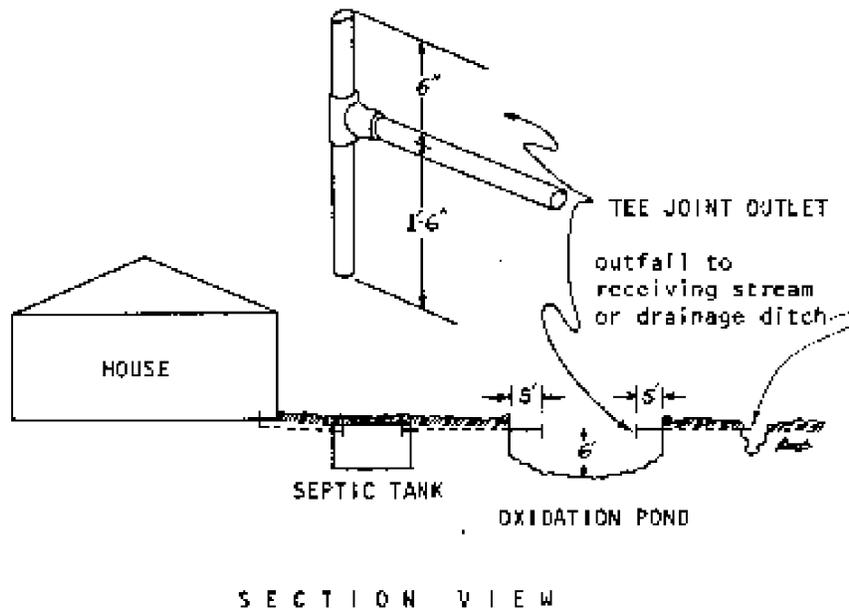
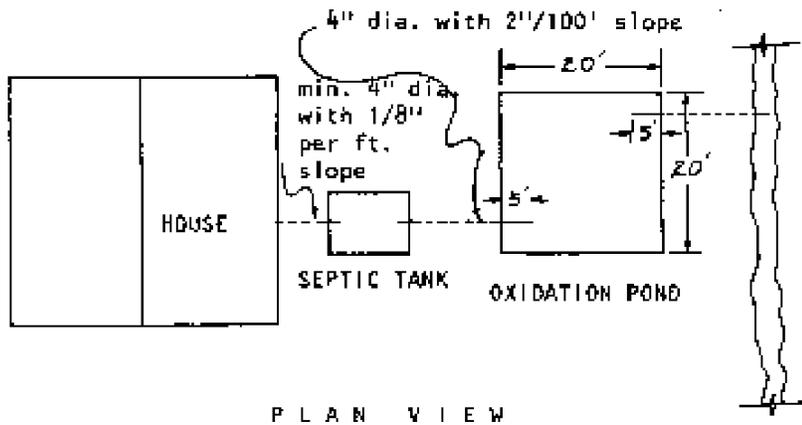


LONGITUDINAL SECTION

CROSS SECTION

- NOTES: 1. Drain tile laid with joints opened from  $\frac{1}{2}$  to  $\frac{1}{2}$  inch. Special collars may be used if desired.
2. Asphaltic treated paper for joint covering.

FIGURE 4  
ABSORPTION TRENCH AND LATERAL DETAILS



- NOTES: 1. Pond must be enclosed by a suitable fence.
2. Outlet invert to be at same or lower elevation than inlet invert.
3. Pond water surface at least 2" below septic tank water surface.

FIGURE 5  
TYPICAL LAYOUT: SEPTIC TANK/OXIDATION POND SYSTEM

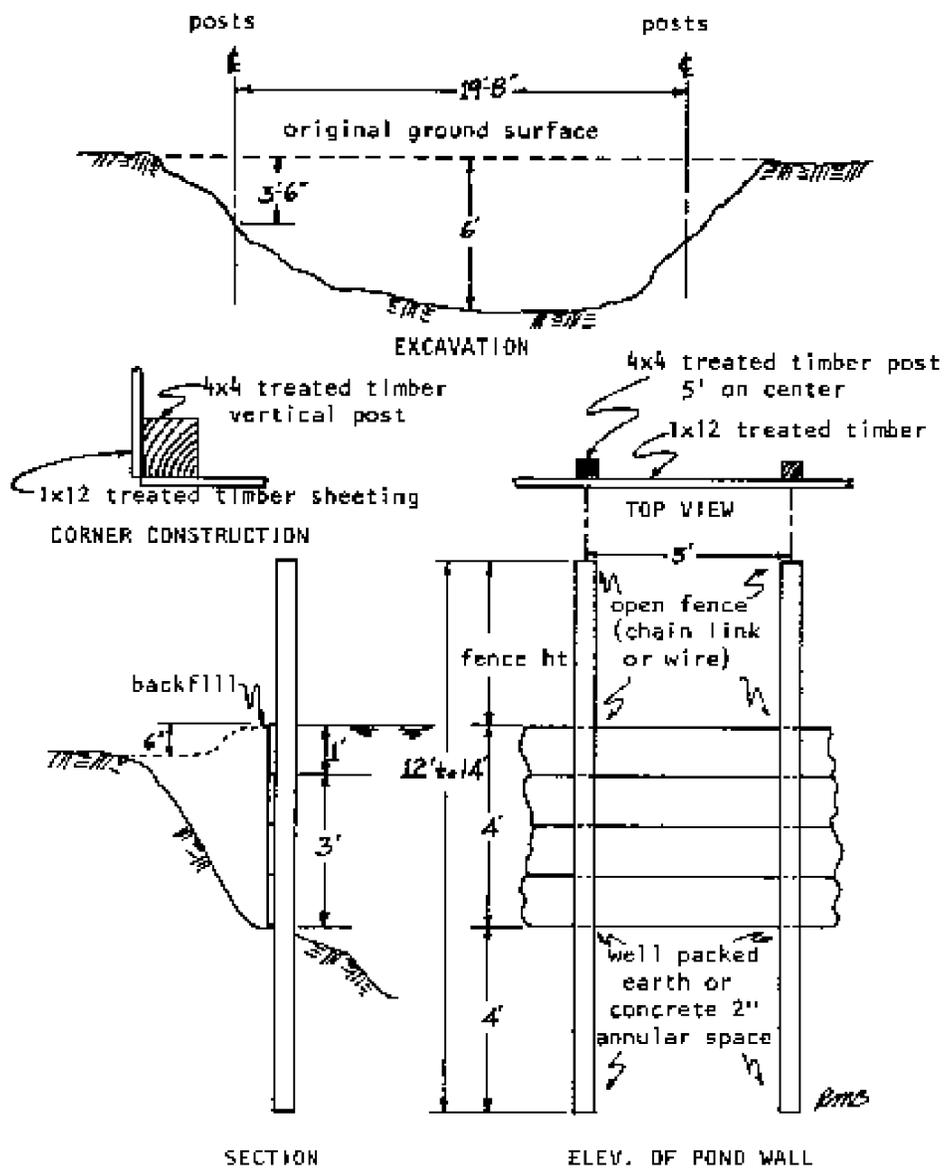
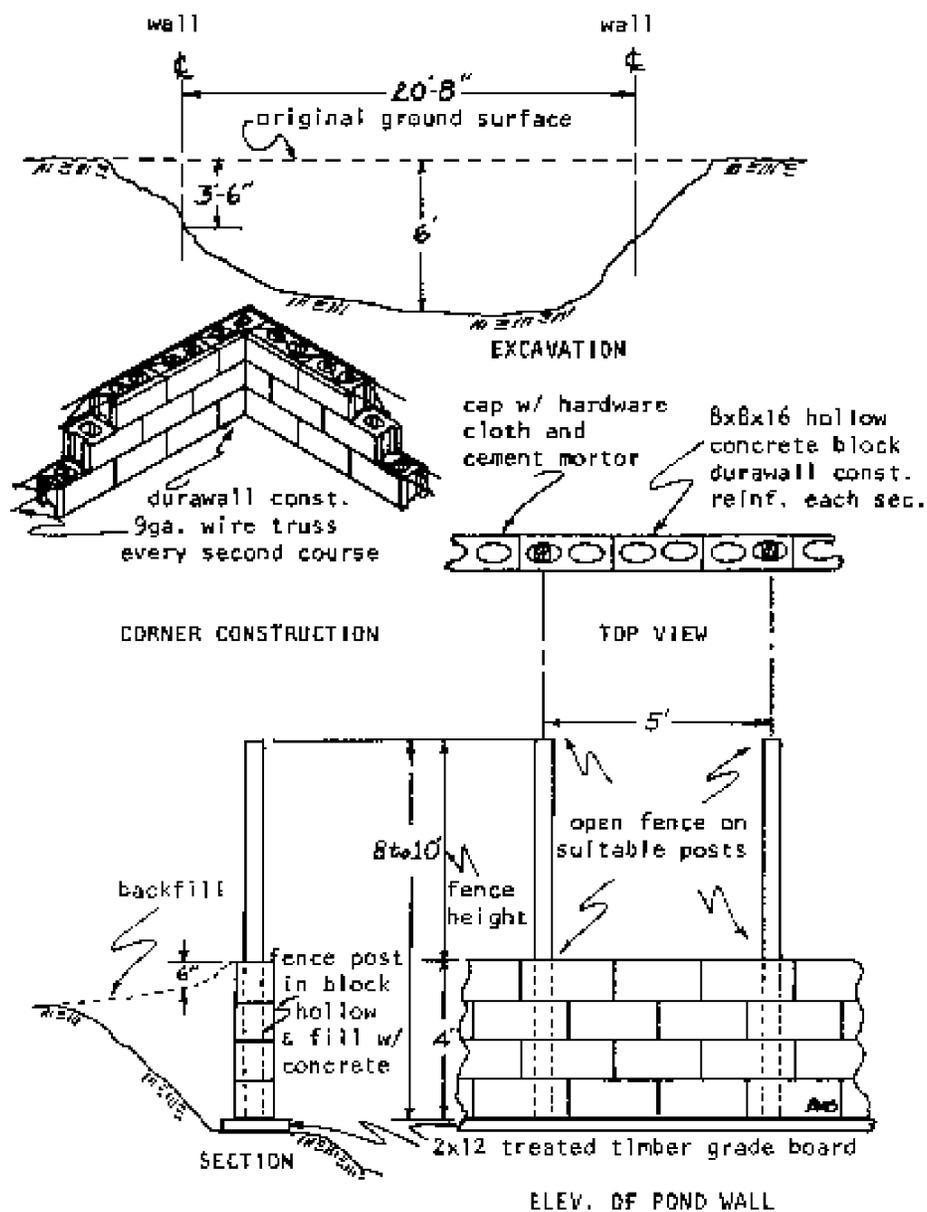
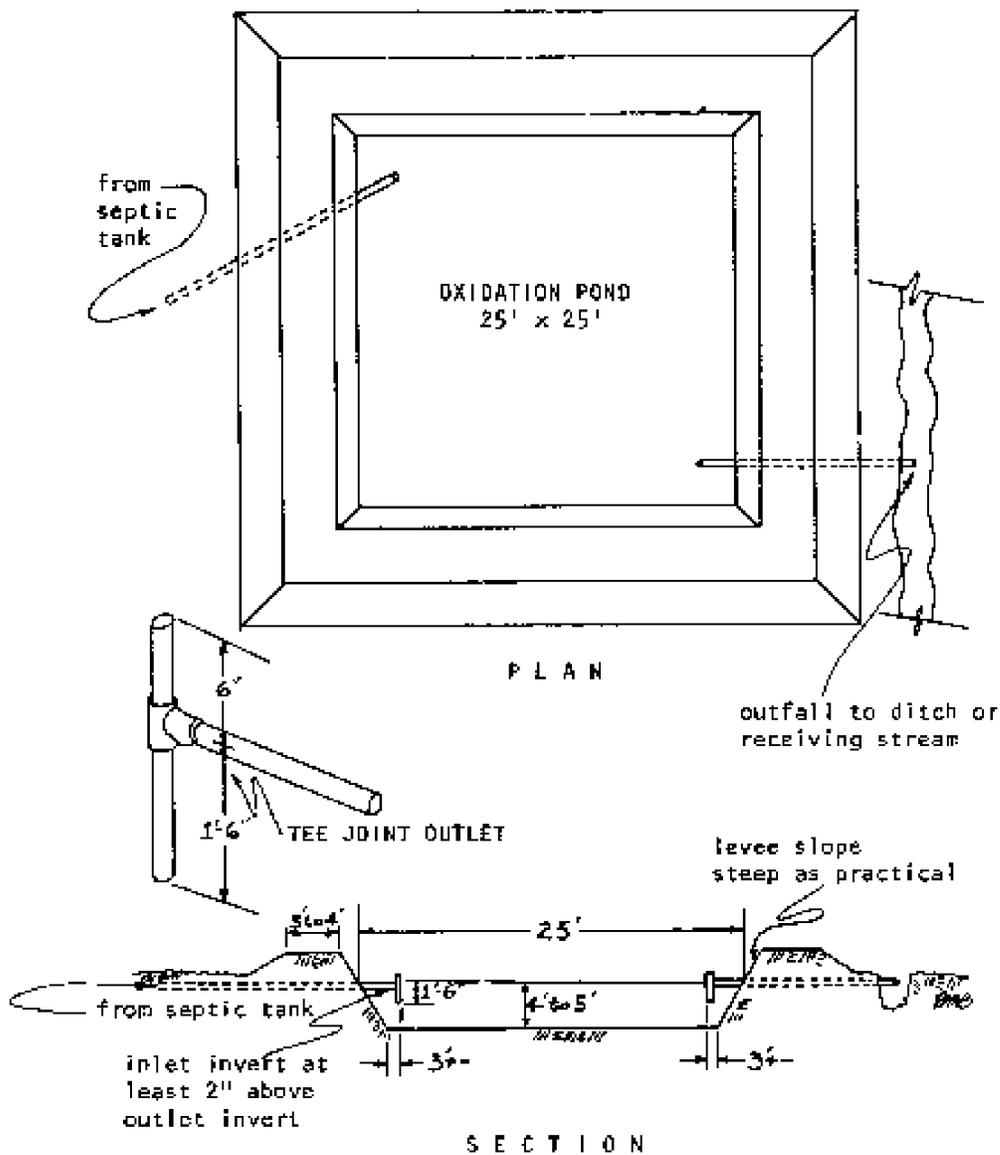


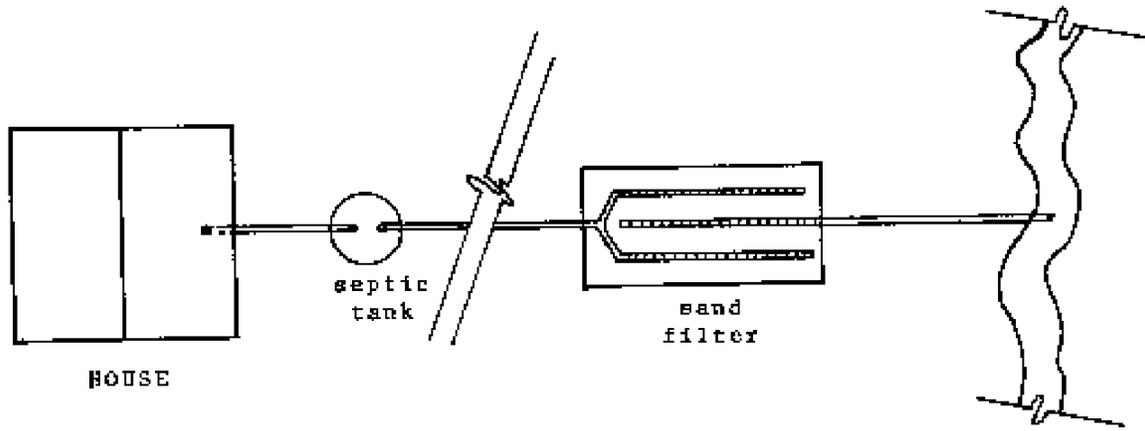
FIGURE 6  
OXIDATION POND TIMBER RETAINING WALL DETAILS



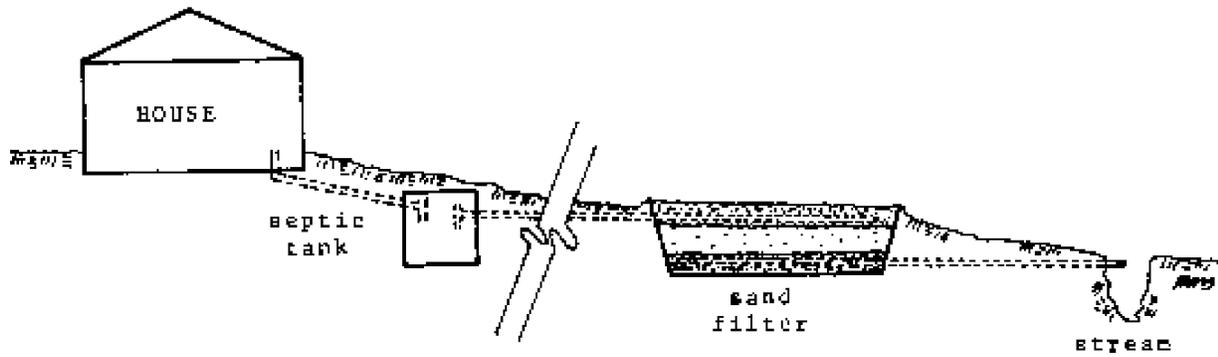
**FIGURE 7**  
**OXIDATION POND CONCRETE BLOCK RETAINING WALL DETAILS**



**FIGURE 8**  
**LEVEYED OXIDATION POND**



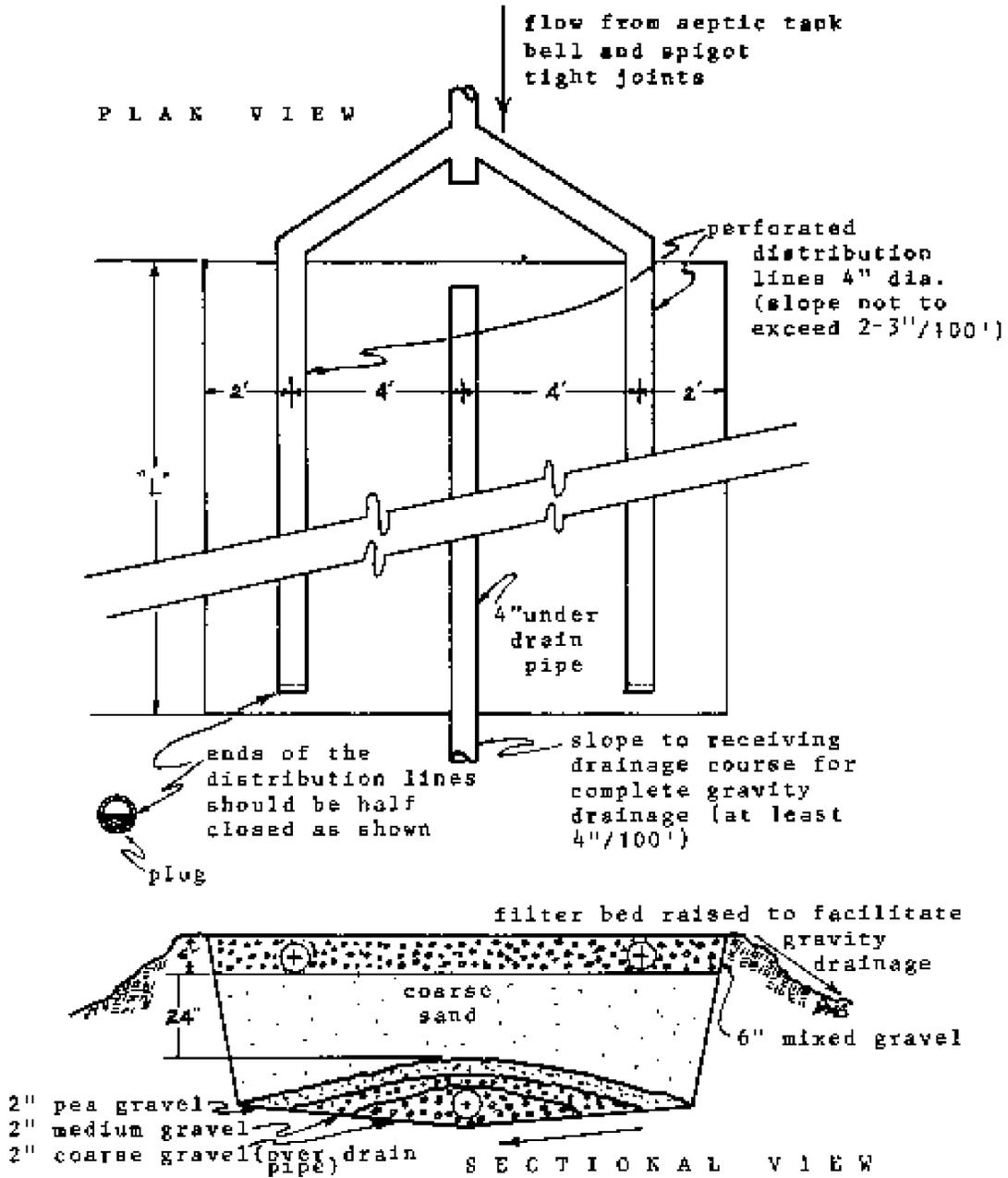
P L A N



P R O F I L E

NOTE: See Figure 10 for additional details

FIGURE 9  
TYPICAL LAYOUT: SEPTIC TANK/SAND FILTER BED SYSTEM



**FIGURE 10**  
**SAND FILTER BED DETAILS**

**APPENDIX B**  
**Sewage Loading Criteria**  
[See Note (a)]

Place	Loading	Daily Average Flow Gallons Per Day	Daily Average BOD <sub>5</sub> Pounds Per Day	Design Basis
Apartments		250	.425	one bedroom
		300	.52	two bedroom
		400	.68	three bedroom
Assembly	Note (b)	2	.0034	per seat
Bowling Alleys (no food service)	Note (b)	75	.13	per lane
Churches	Note (b)	5	.0088	per sanctuary seat
Churches (with permitted kitchen)	Note (c)	10	.017	per sanctuary seat
Country Clubs		50	.085	per member
Dance Halls	Note (b)	2	.0034	per person
Drive-In Theaters		5	.0085	per car space
Factories (no showers)		20	.051	per employee
Factories (with showers)		35	.06	per employee
Food Service Operations				
Ordinary Restaurant (not 24 hour)		35	.12	per seat
24-hour Restaurant		50	.17	per seat
Banquet Rooms		5	.017	per seat
Restaurant Along Freeway		100	.33	per seat
Curb Service (drive-in)		50	.17	per car space
Bar, Cocktail Lounges, Taverns (no food service or very little food service)		25	.084	per seat
(with regular food service)		35	.12	per seat
Video Poker Machine		100	.20	per machine
Fast Food Restaurants		40	.13	per seat
Hotel/Motel Food Service		45	.17	per room
Homes/Mobile Homes in Subdivisions		400	.68	per dwelling

Individual Homes/Mobile Homes (where individual sewage technology is utilized. For each additional bedroom add 100 gpd)		250	.425	one bedroom
		300	.51	two bedrooms
		400	.68	three bedrooms
Hospitals (no resident personnel)	Note (c)	200	.51	per bed
Institutions (residents)	Note (c)	100	.25	per person
Municipalities		100	.17	per person
Mobile Home Parks up to 5 trailer spaces		400	.68	per mobile home space
6 trailer spaces or more		300	.51	per mobile home space
Motels	Note (b)	100	.12	per unit
Nursing and Rest Homes	Note (c)	100	.25	per patient
		100	.17	per resident employee
Office Buildings		20	.051	per employee
Recreational Vehicle Dumping Stations				Consult OPH
Recreational Vehicle Parks and Camps		125	.21	per trailer or tent space
Retail Store		20	.034	per employee
Schools - Elementary	Note (c)	15	.038	per pupil
Schools - High and Junior High	Note (c)	20	.051	per pupil
Retail Fuel Stations (Located on major highways, interstate highways, etc., and whose primary function is to provide fuel and service to motor vehicles)	Note (d)	250	.43	per individual vehicle fueling point (up to the first four)
		125	.21	for each additional individual vehicle fueling point
Shopping Centers ( no food service or laundries)		0.2	.00034	per square foot of floor space

Swimming Pool (including employees)	10	.017	per swimmer
Showers	20	.04	per shower
Vacation Cottages	50	.12	per person
Youth and Recreation Camps	Note (c) 50	.12	per person
Washing Machines	400	1.34	per machine

Note (a) If loading criteria other than presented here are used, they should be justified.  
Note (b) Food Service waste not included.  
Note (c) Food Service waste included but without garbage grinders  
Note (d) Vehicle fueling points are an arrangement of gasoline or diesel fuel pumps to serve automobiles or other vehicles. For the purposes of these Guidelines, a vehicle fueling point is one that serves a vehicle at one time. Food service waste not included.

**NOTE: Design calculations for sewage treatment facilities must be made based on both hydraulic loading(s) and organic loading(s). Final design of facility to be used upon the larger capacity (size) required by these calculations.**

David W. Hood  
Secretary

9801#061

**RULE**

**Department of Health and Hospitals  
Office of Public Health**

Sanitary Code—Temperature Control  
(Chapters XXIII and XXIII A)

The Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4A(1) and R.S. 40:5, has updated Chapters XXIII and XXIII A of the Louisiana State Sanitary Code in reference to the cold holding temperature of potentially hazardous foods to be in accordance with Chapter XXII of this Code and the new Food and Drug Administration (FDA) Food Code guidelines as follows.

**Sanitary Code**

**Chapter XXIII. Eating and Drinking Establishments**

\* \* \*

**Food Protection**

\* \* \*

**23:00 General:** At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust,

insects, animals, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous foods shall be 41EF or below, or 140EF or above at all times, except as otherwise provided.

\* \* \*

**Food Storage**

\* \* \*

**23:010-2** Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 41EF or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as shallow pans, agitation, or quick chilling of water circulation external to the food container so that the cooling period shall not exceed four hours. Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 41EF or below.

\* \* \*

**Food Preparation**

\* \* \*

**23:020-1** In refrigerated units at a temperature not to exceed 41EF; or

\* \* \*

**Food Display and Service**

\* \* \*

**23:021 Potentially Hazardous Foods:** Potentially hazardous food shall be kept at an internal temperature of 41EF or below or at an internal temperature of 140EF or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130EF.

\* \* \*

**Chapter XXIII.A. Temporary Food Service**

\* \* \*

**23A:005-2 Temperature Control:** All potentially hazardous (and readily perishable) foods shall be maintained at a temperature of 41EF or below, or at a temperature of 140EF or above at all times, including during transportation if prepared off site and during storage. A thermometer should be provided in all perishable food storage facilities.

\* \* \*

David W. Hood  
Secretary

9901#058

**RULE**

**Department of Insurance  
Office of the Commissioner**

Licensing and Insurance Compliance—Regulation 66  
(LAC 37:XIII.Chapter 51)

In accordance with LSA-R.S. 49:950 et seq., the Administrative Procedure Act, and as authorized by L.R.S. Title 22, Sections 3, 1770, 1811, 1911, 1942, 2014, 3017B, 1348(B) 1358B; Title 23, Section 1200.1 and Title 33, Sections 1348(B) and 1358B, notice is hereby given that the Commissioner of Insurance adopts the following regulation to require that persons designated as directors, presidents, vice-presidents, or any other person who performs as such in the articles of incorporation of domestic regulated entities will be required to file biographical information with the Commissioner of Insurance for review.

**Title 37**

**INSURANCE**

**Part XIII. Regulations**

**Chapter 51. Regulation 66—Requirements for  
Officers, Directors, and Trustees of  
Domestic Regulated Entities**

**§5101. Purpose**

A. The purpose of this regulation is to require that officers, directors and trustees of domestic regulated entities, as defined herein, file biographical information with the Commissioner of Insurance for review. The purpose of this review is to determine whether a domestic regulated entity continues to meet minimum licensing standards upon a change in officers, directors or trustees.

AUTHORITY NOTE: Promulgated in accordance with R.S. (L.R.S.) Title 22, Sections 3, 1770, 1811, 1911, 1942, 2014, 3017B, 1348(B) 1358B; Title 23, Section 1200.1 and Title 33, Sections 1348(B) and 1358B.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:78 (January 1999).

**§5103. Definitions**

A. For the purpose of this Regulation the following definitions shall be applicable.

*Director*—persons designated in the articles of incorporation, by-laws or other organizational documents as such, and persons designated, elected or appointed by any other name or title to act as directors, and their successors.

*Domestic Regulated Entity*—any Louisiana domiciled entity which is required to obtain a license or certificate of authority from or register with the Commissioner. This definition shall specifically include, but is not limited to, stock and mutual insurers, domestic service insurers, non-profit funeral service associations, reciprocal insurers, Lloyd’s plans, fraternal benefit societies, automobile service clubs, vehicle mechanical breakdown insurers, property residual value insurers, animal insurers, health maintenance organizations, non-profit beneficiary organizations and risk indemnification trusts, third party administrators, interlocal risk management agencies or any plan of self insurance providing health and accident or workers compensation coverage to employees of two or more employers.

This term shall not include insurance agents, agencies, managing general agents, viatical settlement brokers or reinsurance intermediary brokers.

*Officer*—a president, vice-president, treasurer, actuary, secretary, controller, partner and any other person who performs for the domestic regulated entity functions corresponding to those performed by the foregoing officers. *Officer* shall also include the administrator of a plan of self-insurance providing health and accident or worker compensation coverage to employees of two or more employers.

*Trustee*—the trustee of a trust, which provides health and accident or workers compensation coverage to employees of two or more employers.

AUTHORITY NOTE: Promulgated in accordance with R.S. (L.R.S.) Title 22, Sections 3, 1770, 1811, 1911, 1942, 2014, 3017B, 1348(B) 1358B; Title 23, Section 1200.1 and Title 33, Sections 1348(B) and 1358B.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:78 (January 1999).

**§5105. Review of Officers, Directors and Trustees by  
Commissioner Required**

A. No person shall serve as an officer, director or trustee of a domestic insurer who has not first submitted the information required by §5107 to the Commissioner or to whom, after review of the information required by §5107, the Commissioner has refused to issue a letter of no objection.

B. No domestic regulated entity may elect, appoint or otherwise accept an officer, director or trustee an individual who has failed to submit the information required by §5107 to the Commissioner or to whom, after review of the information required by §5107, the Commissioner has refused to issue a letter of no objection.

AUTHORITY NOTE: Promulgated in accordance with R.S. (L.R.S.) Title 22, Sections 3, 1770, 1811, 1911, 1942, 2014, 3017B, 1348(B) 1358B; Title 23, Section 1200.1 and Title 33, Sections 1348(B) and 1358B.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:78 (January 1999).

**§5107. Procedure for Requesting Letter of No Objection from Commissioner**

A. Each person elected, appointed or who otherwise becomes as an officer, director or trustee of a domestic regulated entity shall, within thirty days of being elected, appointed or otherwise chosen, submit to the Commissioner a request for a letter of no objection regarding his service in that capacity. The request shall be made, in writing, on forms provided by the Commissioner.

B. Each request for a letter of no objection shall include:

1. such biographical information as the Commissioner shall reasonably require to determine compliance with this regulation and the applicable statutes;

2. a statement from the domestic regulated entity indicating the position for which the individual has been elected, appointed or otherwise chosen;

3. a sworn statement from the individual confirming that he has no conflict of interest which would interfere with his service in the position;

4. a copy of the acceptance of trust, oath of office or other such document signed by the individual. The form of this document will be provided by the Commissioner and shall include a statement that the individual agrees to abide by and direct the activities of the domestic insurer in compliance with all applicable provisions of the Louisiana Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. (L.R.S.) Title 22, Sections 3, 1770, 1811, 1911, 1942, 2014, 3017B, 1348(B) 1358B; Title 23, Section 1200.1 and Title 33, Sections 1348(B) and 1358B.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:79 (January 1999).

**§5109. Conditions for Refusal of Letter of No Objection**

A. The Commissioner may refuse to issue a letter of no objection if he finds that:

1. the competence, experience and integrity of the individual is such that it would not be in the best interest of policyholders, members or clients of the domestic regulated entity or of the public to allow the person to serve in the proposed position;

2. the individual has been convicted of or has pled nolo contendere to or participated in a pretrial diversion program pursuant to any charge of any felony or misdemeanor involving moral turpitude or public corruption;

3. the individual knowingly makes a materially false statement or omission of material information in the request for a letter of no objection;

4. for any other reason now or hereinafter as the law may provide.

AUTHORITY NOTE: Promulgated in accordance with R.S. (L.R.S.) Title 22, Sections 3, 1770, 1811, 1911, 1942, 2014, 3017B,

1348(B) 1358B; Title 23, Section 1200.1 and Title 33, Sections 1348(B) and 1358B.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:79 (January 1999).

**§5111. Waiver of Submission of Biographical Information**

A. The Commissioner may waive the requirement that an individual submit biographical information under the following conditions:

1. the individual has served as an officer, director or trustee of a domestic regulated entity for a period of five consecutive years;

2. the individual has received a letter of no objection from the Commissioner within one year of being elected, appointed or otherwise chosen as an officer, director or trustee and no material change has occurred in the biographical information submitted in support of that request;

3. individuals who qualify for a waiver of the submission of the biographical information must submit the document required by §5107.B.4.

AUTHORITY NOTE: Promulgated in accordance with R.S. (L.R.S.) Title 22, Sections 3, 1770, 1811, 1911, 1942, 2014, 3017B, 1348(B) 1358B; Title 23, Section 1200.1 and Title 33, Sections 1348(B) and 1358B.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:79 (January 1999).

**§5113. Scope and Limitations**

A. On its effective date, January 20, 1999, this regulation shall apply to all individuals serving as an officer, director or trustee of a domestic regulated entity and to all individuals nominated or otherwise suggested for such positions.

AUTHORITY NOTE: Promulgated in accordance with R.S. (L.R.S.) Title 22, Sections 3, 1770, 1811, 1911, 1942, 2014, 3017B, 1348(B) 1358B; Title 23, Section 1200.1 and Title 33, Sections 1348(B) and 1358B.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:79 (January 1999).

James H. "Jim" Brown  
Commissioner of Insurance

9901#069

**RULE**

**Department of Public Safety and Corrections  
Gaming Control Board**

Delegation; Definitions; Licensing;  
Transfers; Disciplinary Action  
(LAC 42:III.104, IX.2105, 2701, 2703, 2707, 2723,  
2729, 2901-2917, 2921, 3301-3309, and 3319)

(Editor's Note: Chapters 21-43 were originally promulgated in *The Advocate* on March 14, 1995. Copies of the full text of these rules can be obtained from the Attorney General's Gaming Division, 339 Florida Boulevard, Suite 500, Baton Rouge, LA 70801.)

The Gaming Control Board hereby adopts amendments to LAC 42:III.104, IX.2105, 2701, 2703, 2707, 2723, 2729, 2901, 2903, 2905, 2907, 2909, 2911, 2913, 2915, 2917, 2921, 3301, 3303, 3305, 3307, 3309 and 3319 in accordance with the provisions of R.S. 27:24, and R.S. 49:950 et seq.

**Title 42**

**LOUISIANA GAMING**

**Part III. Gaming Control Board**

**Chapter 1. General Provisions**

**§104. Delegation to Chairman**

A.1.-2. ...

3. enter into the casino operating contract on behalf of the Louisiana Gaming Control Board, provided however that the casino operating contract shall be executed on behalf of the Louisiana Gaming Control Board by the chairman or a designated representative when the casino operating contract is approved by the Louisiana Gaming Control Board and the chairman or a designated representative is specifically ordered by board resolution to execute the casino operating contract on behalf of the Louisiana Gaming Control Board.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Gaming Control Board, LR 22:1140 (November 1996), amended LR 25:80 (January 1999).

**Part IX. Land Based Casino**

**Chapter 21. General Provisions**

**§2105. Definitions, Words and Terms, Captions, Gender References**

\* \* \*

*Approvals*—those actions of the Casino Operator, Casino Manager, licensees or other persons found suitable, or transactions directly or indirectly involving such persons, which require Approval by the Corporation through the President or the Board, but which do not in themselves constitute licensing or a Finding of Suitability of any person involved, but the licensing or Finding of Suitability of the persons involved may, unless the Casino Act, these Regulations or the Corporation dictate otherwise, constitute Approval by the Corporation of the transaction in question.

*Background Investigation*—all efforts, whether prior to or subsequent to the filing of an application, designed to discover information about an applicant, Casino Operator, Casino Manager, licensee, registrant or other person found suitable and includes without time limitation, any additional or deferred efforts to fully develop the understanding of information which was provided or should have been provided or obtained during the application process. Examples of background investigation include, but are not limited to measures taken in connection with exploring information on applicants; procedures undertaken with respect to investigatory hearings, except for matters specifically disclosed in any hearing open to the public and orders, responses, and other documents relating thereto.

\* \* \*

*Casino Operator Affiliate*—Repealed.

\* \* \*

*Finder's Fees*—any compensation in money in excess of the sum of \$10,000, or real or personal property with a real value in excess of the sum of \$10,000 which is paid or transferred to any person in consideration for the arranging or negotiation of an extension of credit to the Casino Operator, or an applicant for licensing, registration. Approval or Finding of Suitability if the proceeds of such extension of credit is intended to be used for any of the following purposes: the acquisition of an interest in the Official Gaming Establishment or Casino Operator; to finance the gaming operations of the Casino Operator. The term shall not include compensation to the person who extends the credit; normal and customary payments to employees of the person to whom the credit is extended if the arranging or negotiation of credit is part of their normal duties: normal and customary payments for bona fide professional services rendered by lawyers, accountants, engineers and appraisers, underwriters discounts paid to a member of the National Association of Securities Dealers, Inc.; fees paid to banking institutions in connection with procuring credit.

*Finding of Suitability*—any action required or allowed by the President, Board, Casino Act or these Regulations that require certain persons, directly or indirectly involved with the Casino Operator, Casino Manager, licensees or registrants to be found suitable to hold a gaming license so long as such involvement continues. A finding of suitability relates only to the specified involvement for which it is made. If the nature of the involvement changes from that which the applicant is found suitable, he may be required to submit himself to a determination by the Corporation of his suitability in the new capacity.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:80 (January 1999).

**Chapter 27. Required Licensing**

**Subpart A. Suitability of Casino Operator**

**§2701. Suitability of Casino Operator**

A. The following persons shall demonstrate their suitability and qualification to the Board by clear and convincing evidence (as those terms are defined in the Casino Act and LAC 42:IX.2329 and 2331):

1. a Casino Operator;
2. all other persons, who either alone or in combination with others, have the ability to significantly and directly affect or influence the affairs of a Casino Operator or a Casino Manager;
3. a person with respect to whom a finding of suitability is necessary in order to insure that the policies of the Casino Act and the integrity of gaming operations are protected; and

4. any other person that the Board in its discretion, directs to demonstrate its suitability and qualifications.

B. For the purpose of §2701 any persons holding, owning or Controlling a direct or beneficial interest (this shall include any rights created in any counter-letter, option, convertible security or similar instrument) in the following persons shall be presumed to have the ability to significantly and directly influence or affect affairs of a Casino Operator or Casino Manager unless the presumption is rebutted by clear and convincing evidence:

1. Any persons holding, owning or controlling a 5% or more equity interest or outstanding voting securities (including holdings in trust and whether as settlor, trustee or beneficiary) in a non-publicly traded Intermediary or Holding Company of the Casino Operator or the Casino Manager.

2. Any persons holding, owning or controlling a 10% or more equity interest or outstanding voting securities or rights in a publicly traded or any publicly traded Intermediary or Holding Company of a Casino Operator or a Casino Manager.

C. Notwithstanding the terms of Subsection B above, the following persons shall not be automatically deemed to have the ability to significantly and directly influence the affairs of the persons or entities identified above requiring a Finding of Suitability:

1. A holder or owner of a Security or other interest that is convertible or exercisable into an equity or ownership interest in a publicly traded Public Traded Intermediary or Holding Company thereof prior to the time that the Security or other interest is converted or exercised. A holder or owner of a convertible interest shall seek the approval of the Corporation before exercising the conversion rights unless, after conversion such person will hold, own or control less than 10% of the total outstanding equity or ownership interests in the Intermediary or Holding Company thereof.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:81 (January 1999).

### §2703. Safe Harbor

If at any time the Corporation finds that a holder of a debt or equity interest in the Casino Operator or any of their respective Affiliates, that is required to be and remain suitable has failed to demonstrate suitability, the Corporation may, consistent with the Casino Act and the casino operating contract, take any action that the Corporation deems necessary to protect the public interest. Provided however if, a holder of a debt or equity interest in the Casino Operator or any of their respective Affiliates associated with the Casino Operator or Affiliates has failed to demonstrate suitability, the Corporation shall take no action to declare the Casino Operator or Affiliates, as the case may be, not Suitable based upon such finding, if the affected Casino Operator, or Affiliates takes immediate good-faith action (including the prosecution of all legal remedies) and complies with any order of the action (including the

prosecution of all legal remedies) and complies with any order of the Corporation to cause such person failing to demonstrate suitability to dispose of such person's interest in the affected Casino Operator or Affiliates, and that pending such disposition such affected Casino Operator or Affiliates, from the date of notice from the Corporation of a finding of failure to demonstrate suitability, ensures that the person failing to demonstrate suitability:

1. does not receive dividends or interest on the securities of the Casino Operator or Affiliates;

2. does not exercise, directly or indirectly, including through a trustee or nominee, any rights conferred by the securities of the Casino Operator or Affiliates;

3. does not receive any remuneration from the Casino Operator or Affiliates;

4. does not receive any economic benefit from Casino Operator or Affiliates;

5. subject to the disposition requirements of this Section, does not continue in an ownership or economic interest in the Casino Operator or Affiliates or remain as a manager, officer, director, partner, employee, consultant or agent of the Casino Operator or Affiliates.

a. Nothing contained in this Section shall prevent the Corporation from taking any action against the Casino Operator if the Casino Manager fails to be or remain suitable. Moreover, nothing contained in this Section shall prevent the Corporation from taking regulatory action against the Casino Manager, Casino Operator or Affiliates as the case may be, if the Casino Operator, Casino Manager or Affiliates as the case may be:

i. had actual or constructive knowledge of the facts that are the basis of the Corporation regulatory action, and failed to take appropriate action; or

ii. is so tainted by such person failing to demonstrate suitability so as to affect the suitability of the Casino Operator, the Casino Manager or Affiliates under the standards of the Casino Act or these Regulations; or

iii. cannot meet the suitability standards contained in the Casino Act and these Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:81 (January 1999).

### §2707. Loan Transactions

A. All loan transactions in excess of \$10,000,000 (ten-million dollars) in which the Casino Operator is a party, shall require the prior Approval of the Corporation, except those transactions permitted by Section 13.6 of the casino operating contract, provided the source of any funds is a suitable lender.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:81 (January 1999).

**Subpart D. Licensing of Vendors and Other Service or Property Providers**

**§2723. Required Licensure**

A. The following shall, prior to conducting any business with the Casino Operator or Casino Manager, apply for and receive an appropriate license by demonstrating his suitability and qualifications in accordance with LAC 42:IX.2329 and 2331.

1. All manufacturers, distributors and other providers or suppliers of Gaming Devices or Gaming Supplies.
2. All casino security services and repairers, and limousine services.

B. Any person who furnishes services or property to the Casino Operator or Casino Manager under any arrangement pursuant to which the person receives payments based on earnings, profits or receipts from gaming operations, shall apply for and receive a license, by demonstrating his suitability and qualifications, in accordance with LAC 42:IX.2329 and 2331, prior to engaging in any such transaction or activity. The Casino Manager shall be deemed to have complied with this Section if it has the requisite Approvals pursuant to Section 8.1 of the casino operating contract and otherwise complies with these Regulations.

C. Any person who is entitled to receive Finders Fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:82 (January 1999).

**§2729. Reporting**

A. The Casino Operator and Casino Manager shall:

1. provide the Corporation with a monthly listing of all non-gaming vendors on a form prescribed or Approved by the Corporation; and
2. provide a Business Information Form (BIF) to the Corporation for all category 3 non-gaming vendors immediately after engaging the vendor.

B. The Casino Operator shall file a monthly report in writing within 10 days following the end of each month regarding certain recommendations or solicitations to purchase goods or services. The Casino Operator must include any recommendation or solicitation in the report when:

1. the recommendation or solicitation is to purchase goods or services, either directly or indirectly, from a particular vendor which:
  - a. exceeds \$5,000.00; or
  - b. exceeds \$10,000.00, when cumulated with other recommendation or solicitations made during a calendar year, to purchase from the same vendor; and
2. the recommendation or solicitation is made by or is received from, either directly or indirectly, a person or entity not employed by the vendor for the principal purpose of soliciting or recommending such purchase from the vendor in the ordinary course of business.

C. An indirect solicitation or recommendation occurs when the casino operator has reasonable grounds to believe that the goods or services to be provided by a particular vendor will actually be provided to that vendor by another vendor, or when a particular person solicits or recommends on behalf of a disclosed or undisclosed third person. The written report shall provide:

1. the name of the person or entity making such recommendation or solicitation, and if known, the address and telephone number;
2. the vendor on whose behalf the recommendation or solicitation is made, and if known, the address and telephone number;
3. the name of the person soliciting or recommending on behalf of a third person, the name of the third person and if known, the address and telephone number of both.

D. The Casino Operator shall also report any recommendation or solicitation received by the Casino Operator under circumstances in which a reasonable person would perceive there to be pressure or intimidation of any kind, or other conduct not customary in an ordinary business transaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:82 (January 1999).

**Chapter 29. Transfers of Interest, Public Offerings and Other Financial Transactions Requiring Corporation Approval**

**§2901. Transfer of Interest, General**

No person shall sell, assign, lease, grant, hypothecate, transfer, convey, purchase or acquire any interest of any sort whatsoever, or foreclose on a security interest in the Casino Operator or Casino Manager, or any portion thereof, or enter into or create a voting trust agreement or any agreement of any sort in connection with any licensed gaming operation or any portion thereof, except in accordance with the Casino Act and these Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:82 (January 1999).

**§2903. Disclosure of Representative Capacity**

No person shall transfer, assign, pledge, or otherwise dispose of, or convey in any manner whatsoever, any ownership interest in the Casino Operator or Casino Manager to any person acting as an agent, trustee or in any other representative capacity for or on behalf of another person without having first fully disclosed all facts pertaining to such transfer and representation to the Corporation. No person acting in such representative capacity shall hold or acquire any such interest or so invest or participate without having first fully disclosed all facts pertaining to such representation to the

Corporation and having obtained written permission from the President.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:82 (January 1999).

#### **§2905. Transfer of Interest Prior to Approval**

The sale, assignment, transfer, pledge, alienation, disposition, public offering, acquisition or other transfer of any ownership interest of the Casino Operator, Casino Manager must receive prior Approval from the Corporation. Any sale, assignment, transfer, pledge, alienation, disposition, public offering, acquisition or other transfer of interest of the Casino Operator or Casino Manager that occurs without the prior Approval of the Corporation shall be void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:83 (January 1999).

#### **§2907. Transfer of Interest, Application**

A. Unless otherwise provided in LAC 42:IX.2909, any person or entity filing an application for transfer of any ownership interest in the Casino Operator or Casino Manager shall complete an application on a form prescribed by the Corporation which shall form the basis for the Corporation's investigation to determine the suitability of the transferee. All costs associated with the Corporation's investigation of the application for a transfer of interest shall be born by the individual or entity seeking the ownership interest. An application fee of \$300 shall be paid at the time of filing the application.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:83 (January 1999).

#### **§2909. Transfer Among Licensees**

If a person who is the owner of any interest of the Casino Operator or Casino Manager proposes to transfer ownership of said interest to another person who is also an owner of the Casino Operator or Casino Manager, the following shall apply:

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:83 (January 1999).

#### **§2911. Transfer of Interest to Non-Licensee**

A. No person who owns any direct ownership interest in the Casino Operator or Casino Manager shall in any manner

whatsoever, transfer any part of the interest therein to any person, who is not then a licensee or otherwise has been found suitable by interest therein to any person, who is not then a licensee or otherwise has been found suitable by the Corporation. No such transfer shall be effectuated for any purpose until the proposed transferee has made application for and has obtained all licenses, or Findings of Suitability required by the Casino Act and these Regulations and until the transfer and application has been Approved by the Corporation.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:83 (January 1999).

#### **§2913. Stock Restrictions**

Unless otherwise Approved by the Corporation in advance, all ownership securities issued by the Casino Operator or Casino Manger shall bear on both sides of the certificate a statement of the restrictions containing the following inscription: "The purported sale, assignment, transfer, pledge or other disposition of this security must receive the prior Approval of the Louisiana Economic Development and Gaming Corporation. The purported sale, assignment, transfer, pledge or other disposition, of any security or shares issued by the entity issuing this security is void unless Approved in advance by the Louisiana Economic Development and Gaming Corporation. If at any time an individual owner of any such security is determined to be disqualified under the Casino Act to continue as a licensee or suitable person, the issuing entity shall ensure that such person or persons may not: receive any dividend or interest upon any such security, exercise, directly or indirectly through any trustee or nominee any voting right conferred by such security receive remuneration in any form from the Casino Operator or Casino Manager for services rendered or otherwise, receive any economic benefit from the Casino Operator or Casino Manager or function as a manager, officer, director, or partner thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:83 (January 1999).

#### **§2915. Escrow Required**

A. No money or other thing of value constituting any part of the consideration for the transfer of interest or acquisition of interest in the Casino Operator or Casino Manager shall be paid over, received or used until complete compliance has been had with all prerequisites set forth in the Casino Act and these Regulations for the consummation of the transaction.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic

Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:83 (January 1999).

### **§2917. Public Offerings**

The Casino Operator or Casino Manager and any non-publicly traded Holding Company shall apply for prior Approval of any proposed public offering of any ownership interest therein, and shall comply with all conditions imposed by the Corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:84 (January 1999).

### **§2921. Enforcement of a Security Interest**

\* \* \*

B. Notwithstanding any other provision of these Regulations, Approval is not required to enforce a security interest in a security issued by a Casino Operator, Casino Manager or Intermediary or Holding company thereof, if the gaming operation has ceased and the casino operating contract has been surrendered to the Board prior to the enforcement of such security interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:84 (January 1999).

## **Chapter 33. Disciplinary Action**

### **§3301. Violation of Law or Regulations**

A. Violation of any provisions of the Casino Act or of these Regulations by a Casino Operator, Casino Manager, licensee, registrant, person found suitable or any agent or employee of such person shall be deemed contrary to the public health, safety, morals, good order and general welfare of the inhabitants of the State of Louisiana and grounds for suspension or revocation of a license or Finding of Suitability or imposition of a civil penalty in accordance with LAC 42:IX.3319 of these Regulations. Acceptance of a license, registration, Approval or Finding of Suitability or renewal thereof by the person constitutes an agreement on the part of the person to be bound by all of these Regulations of the Corporation as the same are, or may hereafter be amended.

B. It is the responsibility of the person to keep himself informed of the content of all such Regulations and ignorance thereof will not excuse violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:84 (January 1999).

### **§3303. Investigations and Hearings**

The corporation shall investigate alleged violations of the Casino Act and these Regulations by any Casino Operator, Casino Manager, licensee, registrant, person found suitable, or

member of the public. The President shall conduct hearings in accordance with LAC 42:IX.2501 et seq. to determine whether there has been a violation of any provisions of the Casino Act or these Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:84 (January 1999).

### **§3305. Methods of Operation**

A. It is the policy of the Corporation to require that the Official Gaming Establishment be operated in a manner suitable to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State of Louisiana.

B. Responsibility for the employment and maintenance of suitable methods of operation rests with the Casino Operator and Casino Manager and willful or persistent use of or toleration of methods of operation deemed unsuitable will constitute grounds for disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:84 (January 1999).

### **§3307. Grounds for Disciplinary Action Against the Casino Operator or Casino Manager**

The Corporation deemed any activity on the part of the Casino Operator, Casino Manager and their agents or employees, what is inimicable to the public health, safety, morals, good order and general welfare of the people of the State of Louisiana, or that would reflect or tend to reflect discredit upon the State of Louisiana or the gaming industry, to be an unsuitable method of operation and shall constitute grounds for disciplinary action by the Corporation in accordance with the Casino Act and these Regulations. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operations:

\* \* \*

19. Except transfers of interest made pursuant to LAC:IX.2901 et. seq., the sale or assignment of any gaming credit instrument by a Casino Operator, Casino Manager, licensee or person found suitable unless the sale is to a publicly traded or other bonafide financial institution pursuant to a written contract, and the transaction and the terms of the transaction, including, but not limited to, the discount rate, are reported to the Corporation.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:84 (January 1999).

**§3309. Disciplinary Action Against Employees and Agents**

The Corporation may take disciplinary action against any employee or agent of the Casino Operator or Casino Manager if the employee or agent has:

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:85 (January 1999).

**§3319. President’s Issuance of Orders**

\* \* \*

B. The President may require, prior to any disciplinary proceedings, that a corporate licensee, Casino Operator or Casino Manager place its securities in escrow under specified terms and conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15, R.S. 27:24 and R.S. 27:220.

HISTORICAL NOTE: Promulgated by the Louisiana Economic Development and Gaming Corporation (*The Advocate*, March 14, 1995), amended by the Louisiana Gaming Control Board, LR 25:85 (January 1999).

Hillary J. Crain  
Chairman

9901#004

**RULE**

**Department of Public Safety and Corrections  
Gaming Control Board**

Video Draw Poker Devices  
(LAC 42:XI.2407 and 2413)

The Gaming Control Board hereby amends LAC 42:XI.2407 and 2413 in accordance with R.S. 27:1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 42  
LOUISIANA GAMING  
Part XI. Video Poker**

**Chapter 24. Video Draw Poker**

**§2407. Operation of Video Draw Poker Devices**

A.1. - 12. ...

13. All licensees or designated representatives of the licensees shall be present during all hours of operation of the licensed establishment in order to prevent the play of video draw poker devices by persons under the age of 21 and to prevent access to the gaming area by persons under the age of 18.

14. All licensees shall post signs on the premises of a licensed establishment which admits mixed patronage that restricts the play of video draw poker devices by persons under the age of 21 and restricts the access to areas where gaming is

conducted by persons under the age of 18.

15. All licensees shall label entrances to device areas with lettering, at least 3 inches in height, stating:

a. "NO PERSONS UNDER THE AGE OF 21 ALLOWED TO PLAY GAMING DEVICES";

b. "NO PERSONS UNDER THE AGE OF 18 ALLOWED INSIDE"; and

c. "GAMING DEVICES INSIDE."

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq., and R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety, Gaming Control Board, LR 25:85 (January 1999).

**§2413. Devices**

**A. Device Specifications**

1.a. - e.i. ...

ii. The phrase "NO PERSON UNDER THE AGE OF 21 ALLOWED TO PLAY" shall be conspicuously displayed on the face of all devices.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq., and R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety, Gaming Control Board, LR 25:85 (January 1999).

Hillary J. Crain  
Chairman

9901#014

**RULE**

**Department of Public Safety and Corrections  
Office of the State Fire Marshal**

Amusement Ride Safety  
(LAC 55:V.Chapter 25)

In accordance with the provisions of R.S. 49:950 et seq. and R.S. 40:1484.3, relative to the authority of the State Fire Marshal to promulgate and enforce rules, relative to the regulation of Amusement Attractions and Rides, the Office of the State Fire Marshal hereby adopts the following rules.

**Title 55  
PUBLIC SAFETY**

**Part V. Fire Protection**

**Chapter 25. Amusement Attractions and Rides**

**§2501. Definition of Terms**

*Amusement Inspection*—the official inspection by the Mechanical Safety Manager, or his designee, of a ride or device.

*A.N.S.I.*—the American National Standards Institute.

*Approved*—acceptable to the assistant secretary. Any product certified or classified, or labeled, or listed by a nationally recognized testing agency may be deemed to be acceptable, unless specifically banned by order of the assistant secretary.

*A.S.T.M.*—the American Society of Testing Materials.

*Barrier*—a physical obstruction designed and constructed to safely bring a kart to a full stop or guide the kart safely back on the track.

*Child*—a person 12 years of age and under.

*Cone*—a tapered cylinder used for marking the apex of the curves.

*Containing Device*—a strap, belt, bar, gate or other safety device designed to prevent accidental or inadvertent dislodgement of a passenger from a ride which does not actually provide physical support.

*Course/Route/Defined Area*—the designed path the kart will follow.

*Existing Kart Tracks Kart*—tracks in business prior to January 1, 1997.

*Governor*—a speed limiting device.

*Guardian*—a person 18 years of age and over.

*Guardian Restriction*—a condition placed on an amusement ride or attraction where a passenger must be accompanied on the ride by a guardian.

*Guards*—a device to protect the public from coming in contact with any rotating chains, belts, hot engines or muffler parts.

*Helmet*—a covering approved by the Department of Transportation (D.O.T.) to protect the head from impact and injury.

*Kart*—any mechanically powered vehicle, other than those regulated by the Consumer Products Safety Commission.

*Kart Ride*—shall include but not be limited to karts, kart track, refueling areas, spectator areas and other areas used in any manner of the kart operation.

*MPH*—the number of miles the kart may travel in one (1) hour.

*New Construction*—any new kart tracks which are constructed after January 1, 1997.

*Pinching Hazard*—any configuration of components that would pinch or entrap the fingers or toes of a child or adult.

*Pit Area*—the designated area where patrons are loaded and unloaded from karts.

*Primary Structural Members*—any part of the flume or pool structure that carries or retains any static loads or stress caused by water pressure or structure weight.

*Puncture Hazard*—any surface or protrusion that would puncture a child's or an adult's skin under casual contact.

*Refueling Area*—a location remote from any area accessible to the public where the karts are refueled.

*Restraining Device*—a safety belt, harness, or other device which offers actual physical support, or restraint to the patrons of a kart.

*Ride Action*—a term which shall be used to describe the movements and/or motions of an amusement ride or attraction which are generated for amusement purposes; and/or the bodily actions or reactions experienced by the passengers which are a result of the movement or motions. Bodily actions or reactions which are a result of the commission of an act or acts of malicious negligence and/or horseplay shall not be construed as resulting from the ride action.

*Ride Operator*—any person or persons actually engaged in or directly controlling an amusement ride or attraction.

*Rope, Wire Rope and Cable*—are interchangeable, but not interchangeable with the terms for fiber rope and manila rope.

*Roll Bar*—a metal frame designed to extend above the patron's head, support the weight of the kart and patron, and protect the patron should the kart overturn.

*Safety Retainer*—a secondary safety wire, rope, bar attachment or other device designed to prevent parts of an amusement ride or amusement attraction from becoming disengaged from the mechanism or from tipping or tilting in a manner to cause hazard to persons riding on, or in the vicinity of, an amusement ride or amusement attraction.

*Safety Walls*—that part of the water flume designed to keep a slider within the geometric confines of the flume.

*Serious Injury*—death or injury to a member of the public which requires immediate in-patient overnight hospitalization incurred during the operation of any amusement ride.

*Splash Pool*—a landing pool at the end of the flume from which bathers exit to the deck.

*Splash Pool Decks*—those areas surrounding a pool or flume which are specifically constructed or installed for use by sliders.

*Stress*—force per unit of area.

*Track*—the physical surface on which the kart operates.

*Tread Contact Surface*—foot contact surfaces of ladder, step, stair, or ramp.

*Water Amusement Ride*—an amusement ride or attraction which utilizes water as the primary entertainment medium, and moreover, the customer is either fully or partially immersed in water.

*Water Flume*—a sloped trough-like or tubular structure of varying slope and direction usually made of fiberglass or coated concrete which utilizes water as a lubricant and/or the method of regulating rider speed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:85 (January 1999).

### **§2503. Administration**

A. The Office of the State Fire Marshal which administers the provisions of R.S. 40:1484.1 et seq. relating to the Amusement Ride Safety Law, is located at 5150 Florida Blvd., Baton Rouge, LA 70806.

B. The following Nationally recognized standards are adopted and used in the formulation and enforcing of these rules and regulations; should there arise a conflict between

these standards and R.S. 40:1484.1 et seq. or the rules and regulations, the provisions of R.S. 40:1484.1 et seq. and/or the rules shall apply:

1. ASTM F698-94 Standard Specification for Physical Information to be Provided for Amusement Rides and Devices (approved July 15, 1994; published September 1994);

2. ASTM F747-95 Standard Terminology Relating to Amusement Rides and Devices (approved April 15, 1995; published June 1995);

3. ASTM F770-93 Standard Practice for Operation Procedures for Amusement Rides and Devices (approved December 15, 1993; published February 1994);

4. ASTM F846-92 Standard Guide for Testing Performance of Amusement Rides and Devices (approved May 15, 1992; published July 1992);

5. ASTM F853-93 Standard Practice for Maintenance Procedures for Amusement Rides and Devices (approved January 15, 1993; published March 1993);

6. ASTM F893-87 Standard Guide for Inspection of Amusement Rides and Devices (approved May 29, 1987, reapproved 1995; published July 1987);

7. ASTM F1159-94 Standard Practice for the Design and Manufacture of Amusement Rides and Devices (approved April 15, 1994; published June 1994);

8. ASTM F1193-95 Standard Practice for An Amusement Ride and Device Manufacturer Quality Assurance Program (approved January 15, 1995; published March 1995);

9. ASTM F1305-94 Standard Guide for the Classification of Amusement Ride and Device Related Injuries and Illnesses (approved April 15, 1994; published June 1994);

10. NFPA 101, Edition 1997, Life Safety Code; and

11. NFPA 70, Edition 1996, National Electrical Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:86 (January 1999).

### **§2505. Inspections**

A. Where only individual units of a ride, such as cars, seats, or other carriers are defective and not in compliance with R.S. 40:1484.1 et seq. and/or these rules, such units shall be taken out of service and clearly marked with a red tag reading *Out of Service*; provided, however, such defects do not jeopardize the safety of the entire ride.

B. The assistant secretary or his designee, upon presenting credentials to the ride owner/operator, is authorized without prior notice to inspect and investigate at reasonable times, and within reasonable limits and manner, any area where amusement rides or amusement attractions are assembled or are in use.

1. Inspections shall include, but are not limited to, a review of necessary documents, observation of and/or examination of the ride assembly or set up.

2. Inspection of the ride shall include, as a minimum, foundation, blocking, fuel containers, mechanical and electrical condition and safe operation of the ride.

3. Amusement rides/attractions shall be operated in accordance with the manufacturer recommended restrictions and limitations, such as, but not limited to height, weight, age or passenger placement. In the event the manufacturer has not provided such recommended restrictions, such restrictions and limitations must be established by the operator and shall be submitted to the assistant secretary for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:87 (January 1999).

### **§2507. Prohibited Use**

A. The assistant secretary shall order in writing, a cessation of operation of an amusement ride or attraction, if it has been determined after inspection to be hazardous or unsafe. Operation shall not be resumed until such conditions are corrected to the satisfaction of the assistant secretary.

B. No person shall use or permit to be used, an amusement ride or attraction which is not properly assembled or which is defective or unsafe in any of its parts, components, controls, or safety equipment.

C. During a lightning storm, a period of tornado alert or warning, or fire, or when violence, riot, or other civil disturbance occurs or threatens an amusement ride or attraction, or in an area adjacent thereto, passengers shall be unloaded or evacuated from the ride and the ride shall be shut down and secured immediately. Operation shall not resume until the situation has returned to a normal, safe operating condition.

D. An amusement ride or attraction which is exposed to wind or storm with lightning or wind gust above that recommended by the manufacturer, shall not be operated except to release or discharge occupants.

E. If the inspector finds that an amusement ride or attraction presents an imminent danger, to life, injury, mechanical/electrical failure, he will attach to such ride a Cessation Order tag and the amusement ride or attraction shall not be used until the ride is made safe to the satisfaction of the assistant secretary and the tag has been removed by the assistant secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:87 (January 1999).

### **§2509. Medical and First Aid**

A. The operator shall ensure the availability of medical aid. In the absence of an infirmary, clinic, or hospital used for the treatment of an injured person, within a ten mile radius of the amusement rides and attractions, the operator shall ensure that a person or persons shall be trained to render first aid. First aid supplies recommended by the American Red Cross'

*Anatomy of a First Aid Kit* obtainable from the Office of the State Fire Marshal or the local Red Cross office, shall be readily available.

1. The operator shall have conspicuously posted at the park, carnival, fair or festival office, the telephone numbers and locations for physician, hospital, ambulance service and local fire department to be called in the event of an emergency.

2. The operator shall within twenty four (24) hours of knowledge of the event, report to the assistant secretary any amusement ride or attraction incident which results in serious injury.

3. This report shall describe the nature of the incident, name and address of the affected individual, and a description of the injury, as well as the name and location of the facility where the individual was treated.

4. An incident associated with an amusement ride or attraction which immediately result in a fatal injury shall be reported to the assistant secretary in person or by phone within twelve (12) hours.

5. After determination and consultation with the operator, the assistant secretary may require the scene of such incident to be secured and not disturbed to any greater extent than necessary for the removal of the deceased or injured person or persons. If the ride is removed from service by the assistant secretary an immediate investigation shall be completed and the ride shall not be released for repair and operation until after a complete investigation has been made by the assistant secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:87 (January 1999).

#### **§2511. Inspection Fee and Permit**

A. A copy of the Certificate of Inspection issued by the assistant secretary shall be continuously displayed on the ride when the ride is in use. The permit shall be encased in such a manner as to be protected from weather conditions. Duplicates of such permits shall be issued by the assistant secretary for a fee of \$7.50 per each permit.

B. The operator of an amusement ride or attraction shall notify the assistant secretary when ownership is transferred to another. In such case, the new operator shall obtain a new permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:88 (January 1999).

#### **§2512. Operation of Amusement Rides or Attractions**

A. The ride operator shall be at least 16 years of age.

B. The operator of an amusement ride or attractions, exclusive of water amusement rides and karts, shall operate the amusement ride or attraction in compliance with the standards adopted in Section 2503.B of these rules, or the equivalency thereof as submitted to and approved by the assistant secretary.

C. The operator shall refuse a passenger seeking admission to an amusement ride or attraction if the passenger cannot meet a guardian or height restriction if the ride is subject to such a restriction. Legible signs to this effect shall be posted in full view of the public seeking admission to rides.

D. The operator of an amusement ride or attraction shall deny entry to any person, if in the opinion of the operator the entry may cause above normal exposure to risk of discomfort or injury to the person who desires to enter, or if in the opinion of the operator the entry may jeopardize the safety of other patrons or employees.

E. A suitable number of non-combustible trash collection containers shall be provided in and around amusement rides. Excessive accumulations of trash or refuse shall be promptly removed.

F. All parts of amusement ride and temporary structures used by passengers or customers shall be maintained in a clean condition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:88 (January 1999).

#### **§2513. Maintenance and Inspection Records**

A. The operator shall retain, for a period of twelve (12) calendar months, maintenance and inspection records for each amusement ride in accordance with the following ASTM Standards listed in Section 2503.B, F770-93, F853-93, F893-87.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:88 (January 1999).

#### **§2515. Rebuilt and Modified Amusement Rides/Attractions**

A. If an amusement ride is materially rebuilt or modified, the operator shall notify the assistant secretary and submit for approval documentation equivalent to that required in ASTM Standard F1159-94 Standard Practice for the Design and Manufacture of Amusement Rides and Devices (approved April 15, 1994; published June 1994) on work that was done.

B. The ride shall be reidentified, by the operator, by a different name or identification number or both.

C. The ride shall be subject to all other provisions of all applicable rules, regulations and statutes as if it were a new ride not previously used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:88 (January 1999).

#### **§2517. Assembly and Disassembly**

The operator of an amusement ride shall comply with the construction manual, or the equivalency thereof as determined by the assistant secretary, for the assembly and disassembly of the ride. The construction manual, or the equivalency thereof

as determined by the assistant secretary, shall be kept with the amusement ride attraction and shall be available for use by the assistant secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:88 (January 1999).

### **§2519. Brakes and Stops**

A. On an amusement ride or amusement attraction where coasting renders the operation dangerous, either during the period while the ride or attraction is being loaded or unloaded or in the case of power failure or other unforeseeable situation a method of braking shall be provided.

B. If cars or other components of an amusement ride or amusement attraction may collide in such a way as to cause injuries upon failure of normal controls, emergency brakes sufficient to prevent these collisions shall be provided in accordance with the manufacturer's design, or the equivalency thereof as determined by the assistant secretary.

C. On amusement rides or amusement attractions which make use of inclined tracks, automatic anti-rollback devices shall be installed to prevent backward movement of the passenger carrying units in case of failure of the propelling mechanism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:89 (January 1999).

### **§2521. Internal Combustion Engines**

A. Internal combustion engines for amusement rides or attractions shall be capable of handling the assigned load.

B. Where fuel tanks of internal combustion engines for amusement rides are not of adequate capacity to permit uninterrupted operation during normal operating hours, the amusement ride shall be closed down and unloaded or evacuated during the refueling procedure. The fuel supply shall not be replenished while the engine is running.

C. Where an internal combustion engine for an amusement ride or attraction is operated in an enclosed area, the exhaust fumes shall be discharged to outside the enclosed area, as required by NFPA 70, National Electrical Code, 1996 Edition.

D. Internal combustion engines for amusement rides or attraction shall be located to permit proper maintenance and shall be protected by guards, fencing or enclosure in accordance with NFPA 70, National Electrical Code, 1996 Edition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:89 (January 1999).

### **§2523. Wire Rope**

A. Wire rope on amusement rides or attractions shall be thoroughly examined weekly. Wire rope found to be damaged

shall be replaced with new rope of proper design and capacity as per the manufacturer's data tag or as approved by the assistant secretary. Any of the following conditions shall be cause for rope replacement:

1. in running ropes, six randomly distributed broken wires in one rope lay or three broken wires in one strand of one rope lay;

2. in pendants or standing ropes, evidence of more than one broken wire in one rope lay;

3. abrasion, scrubbing or peening causing loss of more than 1/3 of the original diameter of the outside diameter of the outside individual wires;

4. corrosion;

5. kinking, crushing, birdcaging, or other damage resulting in distortion of the rope structure;

6. heat damage;

7. reduction from normal diameter of more than 3/64 inch for diameters up to and including 3/4 inch, 1/16 inch for diameters 7/8 inch to 1 1/8 inches, 3/32 inch for diameters 1-1/4 inch to 1 1/2 inches;

8. birdcaging or other distortion resulting in some members of the rope structure carrying more load than others; or

9. noticeable rusting or development of broken wires in the vicinity of attachments. When this condition is localized in an operational rope, it may be eliminated by making a new attachment.

B. Wire ropes used to support, suspend, bear or control forces and weights involved in the movement and utilization of tubs, cars, chairs, seats, gondolas, other carriers, the sweeps, or other supporting members of an amusement ride or attraction shall not be lengthened or repaired by splicing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:89 (January 1999).

### **§2525. Hydraulic Systems**

A. Hydraulic systems and other related equipment used in connection with amusement rides or attractions shall be free of leaks and maintained to ensure safe operation at all times.

B. An amusement ride or attraction which depends upon hydraulic pressure to maintain safe operation shall be provided with a positive means of preventing loss in hydraulic pressure that could result in injury to passengers.

C. Hydraulic lines shall be guarded so that sudden leaks or breakage will not endanger the passengers or the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:89 (January 1999).

### **§2527. Pressure Vessels, i.e., Vacuum Tanks**

A. Air compressor tanks, storage tanks and appurtenances used in connection with amusement ride or attractions shall be designed and constructed in accordance with Section VIII of the ASME Code Edition and Addendum mandatory at time of

construction; and shall also be equipped and maintained to ensure safe operation.

B. Air compressor tanks and other receivers used in connection with air compressors shall comply with the Rules of the National Board Inspection Code, 1995 Edition, 1996 Addendum, and the 1997 Addendum.

C. Air compressor tanks and other air receivers used in connection with air compressors shall be inspected operationally at least once a year and internally when considered necessary by a National Board Commissioned inspector, registered with the State of Louisiana to conduct these inspections and a record of each inspection shall be kept.

D. Air compressor tanks and other air receivers used in connection with air compressors shall have the maximum allowable working pressure conspicuously marked thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:89 (January 1999).

### **§2529. Protection Against Moving Parts**

A. The interior and exterior parts of all amusement rides or attractions with which a passenger may come in contact shall be smooth and rounded, free from sharp, rough or splintered edges and corners, with no protruding studs, bolts, screws, or other projections which might cause injury.

B. Interior parts of passenger carrying apparatus upon which a passenger may be forcibly thrown by the action of the ride or attraction shall be adequately padded.

C. Amusement rides or attractions which are self-powered and which are operated by a passenger shall have the driving mechanism guarded and the guard secured in place as to prevent passengers from gaining access to the driving mechanism.

D. Handholds, bars, footrest and other equipment as may be necessary for safe entrance and exit to and from amusement rides or attractions shall be provided and maintained in a safe condition. Such equipment shall be of sufficient strength to support the passengers.

E. Restraining, containing or cushioning devices or a combination of these shall comply with this subsection and be provided and used on all amusement rides where:

1. centrifugal and other forces mechanical malfunction could unseat or dislodge a passenger; or
2. inadvertent movement of a passenger could cause injury to the passenger or any other passenger; or
3. the speed of the ride presents a hazard to a passenger.

F. Restraining, containing or cushioning devices shall be designed, constructed, installed and maintained so as to provide safe support for passengers.

G. Anchorage for the restraining, containing or cushioning devices shall have a strength at least equal to the strength of such devices.

H. All passengers restraints, cushioning or containing devices shall be provided and maintained in accordance with the manufacturers designs and recommendations and shall not

be modified without the approval of the manufacturer and the assistant secretary.

I. All exposed mechanical parts shall have guards installed to prevent possible personal contact while in operation. Any safeguarding means shall not be used that would cause injury.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:90 (January 1999).

### **§2531. Electrical Equipment**

A. The National Electrical Code, NFPA Number 70, 1996, is hereby adopted as the standard for application in the enforcement of the provisions of R.S. 40:1484.1, et seq. This document may be purchased from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

B. All electrical wiring and equipment used for amusement rides or attractions or for lighting shall be installed and maintained in accordance with the National Electrical Code, NFPA Number 70, 1996.

1. The outlets of electrical power lines carrying more than 120 volts shall be clearly marked to show their voltage.

2. All electrical transformer substations shall be properly enclosed and proper warning signs shall be posted.

3. Electrical wiring and equipment located outdoors shall be of such quality and construction or protection that exposure to weather will not interfere with its normal operation.

4. Elevated power lines crossing access or other roads within the proximity of an amusement ride or attraction shall be so suspended as to provide a vertical clearance of at least fifteen feet from the road surface or three feet above any vehicle used within the grounds of a carnival or amusement park, whichever is greater. A horizontal clearance of at least three feet shall be provided on each side of the normal passage space of vehicles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:90 (January 1999).

### **§2533. Temporary Wiring**

A. If temporary wiring is used it shall be in compliance with the applicable section of the National Electrical Code, NFPA Number 70, 1996.

B. Temporary electrical power and lighting installations shall be permitted during the period of construction and remodeling of buildings, structures, equipment or similar activities.

C. Temporary electrical power and lighting installations shall be permitted for a period not to exceed 90 days.

D. All lamps for general illumination shall be protected from accidental contact or breakage. Protection shall be provided by elevation of at least 7 feet from normal working surface or by a suitable fixture or lampholder with a guard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:90 (January 1999).

#### **§2535. Grounding**

All grounding shall comply with Article 525 of the National Electrical Code, NFPA Number 70, 1996.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:91 (January 1999).

#### **§2537. Construction**

A. All amusement rides or attractions shall meet the requirements of the ASTM Standard for the Design and Manufacture of Amusement Rides (F1159-94) and the NFPA Life Safety Code 101, 1997 Edition.

B. Water ride data plates shall contain a location number of the ride or flume and the maximum dispatch time interval.

C. The ride operator shall maintain all of the information as required by the following ASTM Standards; F698-94 Standard Specification for Physical Information to be Provided for Amusement Rides and Devices (July 1994), F770-93 Standard Practice for Operation Procedures for Amusement Rides and Devices (December 1993) and F853-93 Standard Practice for Maintenance Procedures for Amusement Rides and Devices (January 1993) and make it available to the assistant secretary, upon request. If this information is not available it shall be developed by the owner/operator and submitted to the assistant secretary for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:91 (January 1999).

#### **§2539. Means of Access and Egress**

A. Safe and adequate means of access and egress from amusement rides or attractions shall be provided as required by NFPA Life Safety Code 101, 1997 Edition and the ASTM Standard F1159-94 Standard Practice for the Design and Manufacture of Amusement Rides and Devices (April 1994).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:91 (January 1999).

#### **§2541. Walkways and Ramps**

A. Walkways and ramps shall be erected with a slope not greater than one in ten except that when nonslip surfaces are provided, the grade may be increased to a maximum of one in eight.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:91 (January 1999).

#### **§2543. Fire Prevention**

A. All buildings over one story in height shall be constructed or protected in accordance with NFPA 101-Chapter 8, 1997 Edition.

B. All buildings located within 20 feet of lot lines or within 20 feet of other buildings on the same lot, shall be of protected noncombustible or protected masonry enclosed construction or better.

C. Fabrics constituting part of an amusement ride or attraction shall be flame resistant to meet the provisions of NFPA 101, Chapter 8, 1997 Edition.

E. Approved fire extinguishers in accordance with NFPA 10, 1994 Edition shall be provided at the following locations to secure reasonable and adequate protection from fire hazards:

1. at or near all operating gasoline or diesel engines;
2. at or near all amusement ride or attraction stands, excluding water flumes; and
3. at each food handling booth where cooking is done.

F. Flammable waste such as oily rags and other flammable materials shall be placed in covered metal containers which shall be kept in easily accessible locations. Such containers shall not be kept at or near exits.

G. Gasoline and other flammable liquids and flammable gases when stored shall be kept in reasonably cool and ventilated places. Such liquids shall be in containers as prescribed by NFPA 30, 1996, Chapter 4. Smoking and the carrying of lighted cigars, cigarettes, or pipes is prohibited within 50 feet of any area where such liquids or gases are stored, or are transferred from one container to another. Signage shall be posted stating *No Smoking*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:91 (January 1999).

#### **§2545. Water Flumes, Structural Design**

A. Structural Design. The flumes' structural design and materials shall be in accordance with ASTM Standard F1159-94 Practice for the Design and Manufacture of Amusement Rides and Devices (April, 1994). The flumes and pools shall be watertight and their surfaces shall be smooth and easy to clean.

B. All stairways used as part of a slide shall be constructed to meet the requirements of NFPA 101, 1997 Edition.

E. Visitor and Spectator Areas: The space used by visitors and spectators shall be distinctly and absolutely separated from those spaces used by sliders. Visitors and spectators in street clothes may be allowed within the perimeter enclosure if they are confined to an area separated from the space the sliders use.

F. Typical Posted User Safety Warnings for Slide Operational Use:

1. no running, standing, kneeling, rotating, tumbling, or stopping in flumes or tunnels;

2. no diving from flume at any time;
3. never use this slide when under the influence of alcohol or drugs;
4. only one person at a time. Obey instructions of top pool supervisor and lifeguard at all times;
5. never form chains unless authorized by slide manager or by posted instructions;
6. keep hands inside the flume;
7. leave the landing pool promptly after exiting from slide; and
8. keep all glasses, bottles and food away from pools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:91 (January 1999).

#### **§2547. Pumps**

- A. Pumps and motors shall be provided to circulate the water in the splash pool and slide.
- B. Pump units shall be accessible for inspection and service in accordance with NFPA 70, 1996 Edition.
- C. All motors shall have thermal overload protection in accordance with NFPA 70, 1996 Edition..
- D. The motor frame shall be properly grounded, in accordance with the NFPA 70, 1996 Edition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:92 (January 1999).

#### **§2549. Water Quality**

- A. Water quality shall be maintained to meet the requirements of the Louisiana Department of Health and Hospitals and the requirements of ASTM Standard F853-93 Standard Practice for Maintenance Procedures for Amusement Rides and Devices (January, 1993).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:92 (January 1999).

#### **§2551. Electrical Safety and Lighting**

- A. The National Electrical Code, 1996 Edition, as published by the National Fire Protection Association, shall be used for the wiring and grounding of all electrical equipment associated with a flume and for the grounding of all metal appurtenances.

- B. Whenever flumes are operated after dark, artificial lighting shall be provided in upper and lower pool and deck areas, walkways, stairways, and flumes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:92 (January 1999).

#### **§2553. Operation, Water Flumes**

- A. The manufacturer or the general contractor of the flume shall provide the operator with a detailed written operational manual, or guide, for all phases of operations and normal maintenance of each component of the system as per ASTM Standards F770-93 Standard Practice for Operation Procedures for Amusement Rides and Devices (December, 1993) and F853-93 Standard Practice for Maintenance Procedures for Amusement Rides and Devices (January, 1993)

- B. The guide shall be kept in a secure area and made available to each employee or inspector as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:92 (January 1999).

#### **§2555. Responsibility of Flume Operators**

- A. Flume operators shall meet the requirements of ASTM Standard F770-93 Standard Practice for Operation Procedures for Amusement Rides and Devices (December, 1993) and F853-93 Standard Practice for Maintenance Procedures for Amusement Rides and Devices (January, 1993).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:92 (January 1999).

#### **§2557. Emergency Procedures**

- A. A written plan for emergencies shall be carefully devised and kept up-to-date. All employees shall be trained and drilled periodically in the execution of the plan.

- B. The emergency plan shall encompass crowd control and safe evacuation, drownings, electrical shock, heat prostration, fractures, poisonings, cuts and burns, neck and back or spinal injuries and exposure to chlorine gas. Each of these situations is addressed in the latest American National Red Cross handbook on first aid, a copy of which shall be on hand at the same location as the emergency plan, the first-aid kit, and the emergency telephone numbers.

- C. Each Water Flume location shall have available the following first-aid supplies:

1. first-aid kit, a standard 24-unit kit stocked and readily accessible for use;
2. a stretcher and blankets;
3. a standard plywood backboard or other acceptable splint, made to the specification of the American National Red Cross, for persons with back and neck injuries; and
4. an area or room shall be set aside for the emergency care of casualties.

- D. All water flume locations shall have posted by the phones a list of current emergency numbers, to include the nearest available ambulance service, hospital, rescue squad, police assistant secretaries, and fire department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:92 (January 1999).

### **§2559. Go-Kart Rules and Regulations**

#### **A. Kart Design**

1. The speed of each kart shall be limited or governed to not exceed the following: The maximum adult track speed shall not exceed 25 mph and kiddie track speed shall not exceed 10 mph. Speeds other than defined will require approval from the assistant secretary.

2. Whenever the design of a kart enables the readjustment of the governor speed, the means of adjustment shall not be accessible to the patron of the kart.

3. The seat, backrest, seat belts, and leg area of every kart shall be designed to retain the patron inside the kart in the event of a collision or overturn.

4. Karts shall be fitted with a shoulder harness and/or belt restraint system as required by the kart manufacturer and acceptable to the assistant secretary.

5. Karts shall be provided with sufficient guards to prevent anyone from coming in contact with the drive chains, belts, hot mufflers, engines or rotating parts.

6. Karts shall have bumpers, wheels and body parts that are comparable to that installed by the original manufacturer.

7. Kart wheels shall be enclosed, guarded or operated so the wheels of a kart cannot interlock with or ride over the wheels of another kart.

8. The kart steering wheel, hub and all exposed components shall be padded or helmets and face shields worn to minimize the risk of injury to any patron in the event of a collision or overturn.

9. The kart fuel tank shall be designed and mounted to prevent it from damage or leaking in the event of a collision or overturn.

10. Headrests or roll bars on a kart shall extend above the patron's head and be capable of supporting the weight of the kart and patron as required by the manufacturer. In the event the manufacturer fails to recommend or address this area the karts shall be equipped with roll bars acceptable to the assistant secretary.

11. Karts shall be provided with impact absorbing bumpers, or energy absorption body parts.

12. Karts shall have sufficient muffler systems installed to prevent any noise levels which will interfere with the track operations, adjacent businesses, residential areas or damage the hearing of employees or patrons.

13. The brake and throttle controls on a kart shall be clearly identified. The brake and throttle controls shall be foot operated and return automatically to a non-operational position when released.

14. Karts shall be individually identified either by numbers, alpha characters or other markings acceptable to the assistant secretary.

#### **B. Track Design**

1. The design of the kart track shall be consistent with the kart manufacturers' recommendations. In the absence of any manufacturers' recommendations, the track design shall comply with the current industry standards acceptable to the assistant secretary.

2. Cones may be used on tracks as a warning device and to notify the patron of upcoming changes in the track conditions and are used for the following specific reasons:

a. to notify drivers of impending course changes;

b. to outline the track and mark key points such as the apex of the turns; and

c. as a warning device to notify the drivers of the severity of upcoming turns by the location and number of cones prior to the turn;

d. cone placement:

i. on the inside corners; one cone to alert the driver and locate the apex;

ii. on the outside corner; two cones to identify minor course changes;

iii. three cones to identify course changes which requires a slower speed to safely negotiate the turn; and

iv. four and five cones to identify areas where both slower speed and applied braking will be necessary to safely complete the course.

e. once the proper cone locations have been located for the track, these locations shall be marked with high visibility paint under the proper location of the cone. This will alert racing attendants to the correct location of the cones when they are displaced.

3. The track shall have a hard smooth surface.

4. The track shall provide road grip sufficient to enable the kart to be driven safely at maximum speed and shall be free of ruts, holes, bumps, water, oil, dirt, or other debris.

5. Track surface and design not covered by manufacturers' recommendations or in the absence of such recommendations must be approved by the assistant secretary.

6. The width of the track must be a minimum of 16 feet and maximum of 25 feet. The turns on an oval track must be a minimum of five feet wider than the straight away. The minimum radius of the turns is 15 feet.

7. The track shall have signs that indicate one direction of travel and no U-turns permitted. These signs shall be posted at various locations around the track perimeter. Signs, signal lights and other safety equipment shall be maintained in operational condition at all times when open to the public.

8. The track shall have no intersecting course configurations. Pit entrances and exits are allowed.

9. The shoulder shall be level with the track and marked with cones. White or yellow lines at least four inches in width shall be used to mark all inside and outside edges of the kart track except where barriers are provided along the inside and outside edges of the kart track.

10. Barriers shall be designed to prevent a kart from overturning or running over or under the barrier and designed to bring a kart safely to a full stop or guide the kart safely back onto the track.

a. Barriers shall be placed:

i. between tracks or sections of tracks within 30 feet of each other and constructed of materials that will not readily ignite;

ii. between the track and obstructions or hazards located with 30 feet from the track;

iii. along all non-access and non-egress edges of the pit area; and

iv. between the track and any area accessible to spectators.

11. Fencing shall be at least 48 inches in height. The fence and gates shall be designed so a four-inch sphere cannot pass through any opening. Fencing shall be located around every kart track.

12. Pit area for loading and unloading must be separated from the track by a fence or barrier. The pit area must be the same surface as the track and have separate entrance and exit lanes.

13. Electrical installations must comply with the National Electrical Code (NFPA-70, 1997 Edition) and include lighting for night operation, if operations are conducted after dark.

14. Proposals for construction of new kart tracks in the State of Louisiana shall be submitted to the Office of the State Fire Marshal, Mechanical Safety Section and other appropriate agencies before beginning construction. The following information shall accompany any application or proposal and shall include but not be limited to:

a. One copy of site plans and all accompanying documentation.

b. A copy of all required local, parish or state permits such as but not limited to business license, electrical, building, or plumbing permits. When all inspections are completed by local, parish or state agencies one copy of the completed inspection report shall be sent to the Louisiana State Fire Marshals Office, Mechanical Safety Section for enclosure in the facility's permanent file. Any alterations or modifications shall be approved prior to beginning work as required for new construction.

#### 15. Fire Protection

a. Kart tracks shall be equipped with ABC dry chemical fire extinguishers with a minimum of five pounds capacity as provided for in National Fire Protection Association-10. Standard for Portable Fire Extinguishers, 1997 Edition, Chapter 1.

b. A fire extinguisher shall be readily accessible from all areas of the track and one fire extinguisher shall be kept in the pit and refueling area. The fire extinguisher location shall be prominently marked, easily accessible and approximately 36 inches above the ground.

#### 16. Refueling Area

a. Karts shall be refueled in a designated location remote from any area accessible to the public. Fuel storage and transfer cans must meet the requirements of NFPA 30, 1997 Edition. Any fuel spillage must be promptly cleaned and prevented from running onto the track or any area accessible to the public. Warning signs must be prominently displayed stating that smoking is prohibited in the refueling area.

b. All kart motors shall be turned off during refueling.

#### 17. Track Operation

a. Karts may only be operated by patrons within height limits set by the manufacturer. If no height limit is set by the manufacturer, patrons shall be at least 52 inches tall and have a leg length that can reach the brake and throttle controls from the patron's seat in order to drive an adult kart.

b. Only patrons less than 52 inches in height with a leg length sufficient to reach the brake and throttle controls from the patron's seat shall be permitted to operate a kiddie kart.

c. Adult karts and kiddie karts shall not be operated on the same track at the same time.

d. No kart shall be operated during a lightening storm, a period of tornado warning, fire, riot or other civil disturbance in the area of the track or in an adjacent area. If any of these events occur while the track is in operation, patrons shall be unloaded and evacuated from the ride and the ride shut down until normal, safe operational conditions are established.

e. Kart tracks shall be monitored during operation either directly by attendants, or indirectly by electronic visual and audio means acceptable to the assistant secretary.

f. A kart losing oil or fuel shall immediately be removed from the kart track. All karts must be stopped immediately and the track cleaned prior to restarting.

g. When the kart manufacturer recommends, or they are deemed necessary by the assistant secretary, the use of helmets must be provided for all patrons to use. Helmets, if used, must fit the patron's head correctly. All helmets must be cleaned with disinfectant twice daily.

h. Karts designed for single or multiple riders shall use a shoulder harness and/or belt restraint system as required by the kart manufacturer. When deemed necessary for additional protection of kart patrons the assistant secretary may require the addition and use of a shoulder harness or belt restraint system on all karts.

i. Patron's loose clothing and hair longer than shoulder length must be secured prior to operating any kart. Fully enclosed shoes must be worn by kart patrons at all times during operation of a kart.

j. Patrons are prohibited from smoking during kart operation.

k. Track attendants shall not allow patrons to leave their karts either in the pit or on the track unless assisted by track or pit attendants.

**RULE**

**Department of Transportation and Development  
Division of Aviation and Public Transportation**

**Safety Requirements for Railroad Grade Crossings  
(LAC 70:IX.Chapter 13)**

1. The kart track operator shall post a conspicuous warning sign at the entrance to the kart track. The sign shall be at least two feet by two feet in sharply contrasting colors and shall contain the following warning:

*Persons with the Following Conditions Are Prohibited from this Ride:*

- 1. heart conditions;
- 2. back or neck ailments; or
- 3. pregnancy.

n. The kart track operator must have a sign posted at the ticket window or track entrance and in the pit area that conveys, at a minimum, the following rules and regulations.

i. The patron height limit specified by the manufacturer, or no less than 52 inches for adult karts and no more than 52 inches for kiddie karts.

ii. Keep both hands on the wheel and both feet in the kart at all times. Do not get out of the kart unless track attendant is present.

iii. All loose clothing and hair longer than shoulder length must be secured. Fully enclosed shoes must be worn by kart patrons at all times during operation of kart.

iv. No smoking in kart or pit area.

v. Persons under the influence of intoxicants will not be allowed to operate karts.

vi. The use of private karts or vehicles will be prohibited on kart track when they are open to the public.

**C. Record Retention and Inspection**

1. Daily inspections must be made on all karts prior to operation. Inspections shall include but not be limited to: tires, padding, steering wheel, frame welds, spindles, axles, seat or shoulder belts, roll bars, gasoline tank condition, brake and gas pedal operation, and other parts as recommended by the kart manufacturer or the assistant secretary.

2. Weekly, monthly and annual inspections shall be performed as recommended by the kart manufacturer or the assistant secretary.

3. A track operation manual shall be written in the English language and available for review by the assistant secretary.

4. The kart track shall have and demonstrate an emergency plan for evacuation of patrons and employees in the event of an emergency. This shall include but not be limited to: fires, kart collisions, dangerous weather, obstructions on the track, handling intoxicated patrons and emergency first aid.

5. The kart track shall maintain records of all required inspections.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1484.3 and 49:953.B.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 25:93 (January 1999).

Nancy Van Nortwick  
Undersecretary

9901#040

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby promulgates a rule entitled "Safety Requirements for Railroad Grade Crossings", in accordance with R.S. 48:390, R.S. 48:390.1 and R.S. 32:172.

**Title 70**

**TRANSPORTATION**

**Part IX. Aviation and Public Transportation**

**Chapter 13. Safety Requirements for Railroad Grade Crossings**

**§1301. Closures of Grade Crossings**

A. Criteria to be considered by the Department in determining whether closure of a railroad grade crossing is necessary:

- 1. estimated daily vehicular use at the crossing;
- 2. average number of trains passing the crossing per day (as provided by the railroad);
- 3. availability of alternative routes and distances to such routes;
- 4. train speeds at the crossing (as provided by the railroad);
- 5. highway/railroad accident/incident history at the crossing;
- 6. existing warning devices at the crossing;
- 7. degree of difficulty involved in improving the roadway approach by profile or in providing adequate warning devices such as flashing lights, gates, etc.;
- 8. sight distance and visibility at the crossing;
- 9. angle of intersection of alignments of the roadway and the railroad;
- 10. redundancy of crossings in the area;
- 11. proximity of a state highway, new crossing or recently upgraded crossing;
- 12. number of school busses using the crossing (as provided by the local governing authority);
- 13. number of unique vehicles using the crossing, such as those which carry hazardous materials or passengers for hire (as provided by the local governing authority);
- 14. effect of any change on usage by emergency vehicles (as provided by the local governing authority).

B. In formulating its decision concerning closures, the Department may contact the appropriate local governing authority for assistance.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 48:390.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Aviation and Public Transportation, LR 25:95 (January 1999).

**§1303. Obstruction of Roadways at Railroad Grade Crossing for a Maximum of Twenty Minutes—Variances**

A. Pursuant to the provisions of R.S. 48:390 and R.S. 48:390.1, any railroad or public agency may submit a formal application to the Department requesting a variance from the requirements of that section relative to blockage of a public highway/railroad at-grade crossing for more than twenty minutes or may request that different regulations be applied in connection with operation over a specific crossing where local conditions require. This rule is applicable only to the public highway/railroad crossings.

B. Elements of the application:

1. identity of any public agencies within the geographic area;
2. identity of any railroads which may be affected by the variance;
3. identify any previous steps which may have been taken in an attempt to achieve an alternative to the proposed variance;
4. provide Federal Railroad Administration requirements that would affect the feasibility of meeting the allowable conditions as provided for in R.S. 48:390 and R.S. 48:390.1;
5. identify the unique local conditions which require or support the variance.

C. The application for variance, together with all requested information, shall be submitted to the Department of Transportation and Development Highway/Rail Safety Engineer.

D. A committee composed of representatives of the following Department areas of expertise review the application for variance:

1. railroad unit;
2. rail management program;
3. legal section;
4. appropriate district.

E. Upon completion of the review of the application, the committee shall make a recommendation to the Department's Chief Engineer.

F. Based upon the decision of the Chief Engineer, a formal response of the Department will be forwarded to the railroad or public agency which submitted the formal application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:390 and 390.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation and Public Transportation, LR 25:96 (January 1999).

**§1305. Criteria for Erection of Stop Signs at Highway Grade Crossings**

A. In accordance with the provisions of R.S. 32:172, the Department will assist local governing bodies in evaluation of public highway/railroad at-grade crossings which have no active warning devices for consideration of stop signs which would enhance the regulatory warning of the crossbuck sign.

B. Considerations:

1. number of collisions which have occurred at the crossing;
2. whether the crossing is considered "high profile";
3. whether the crossing has reduced site distance or visibility on the approaches so that vehicular traffic must substantially slow down or stop in order to see up and down the track.

C. The Department shall issue guidelines and basic recommendations to the local governing authority for consideration in placement of stop signs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:172.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation and Public Transportation, LR 25:96 (January 1999).

Kam K. Movassaghi, Ph.D., P.E.  
Secretary

9901#041

**RULE**

**Department of Transportation and Development  
Highways/Engineering**

Wireless Telecommunications Permit  
(LAC 70:III.Chapter 23)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby promulgates a rule entitled "DOTD Wireless Telecommunications Permit", in accordance with R.S. 48:381.2.

**Title 70**

**TRANSPORTATION**

**Part III. Highways/Engineering**

**Chapter 23. DOTD Wireless Telecommunications  
Permit**

**§2301. Purpose**

In accordance with the provisions R.S. 48:381.2, the Chief Engineer of the Department of Transportation and Development, or his designee, may issue nonexclusive permits, on a competitively neutral and nondiscriminatory basis for use of public rights-of-way to utility operators for the purpose of installation of wireless telecommunications equipment and facilities within highway rights-of-way.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:96 (January 1999).

**§2303. General Conditions and Standards**

A. Any facilities placed within the highway right-of-way shall be placed in accordance with existing Federal, State, or

local laws and the standards of the Department. Environmental clearances may also be necessary and are the responsibility of the permit applicant.

B. All facilities, after having been erected, shall at all times be subject to inspection and the Department may require such changes, additions, repairs, relocations and removal as may at anytime be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway and to provide proper and safe protection to life and property on or adjacent to the highway, or in the interest of safety to traffic on the highway. The cost of making such changes, additions, repairs and relocations shall be borne by the permit applicant, and all cost of the work to be accomplished under this permit shall be borne by the permit applicant.

C. The proposed facilities, their operation or maintenance shall not unreasonably interfere with the facilities or the operation or maintenance of the facilities of other persons, firms or corporations previously issued permits for use and occupancy of the highway right-of-way, and the proposed facilities shall not be dangerous to persons or property using or occupying the highway or using facilities constructed under previously granted permits of use and occupancy.

D. It is the duty of the applicant to determine the existence and location of all facilities within the highway right-of-way by reviewing Departmental records for previous permits in the applicable area.

E. Installations within the highway right-of-way shall be in accordance with applicable provisions contained in the following: AASHTO Guide for Accommodating Utilities within Highway Right of Way, Code of Federal Regulations 23 (CFR 23), National Electrical Safety Code C2, 1996 Federal Telecommunications Act. Those facilities not included in the above mentioned documents shall be in accordance with accepted practice. Where standards of the Department exceed those of the above cited codes, the standards of the Department shall apply. The Department reserves the right to modify its policies as may be required if conditions warrant.

F. Data relative to the proposed location, relocation and design of fixtures or appurtenances as may be required by the Department shall be furnished to the Department by the applicant free of cost. The permit applicant shall make any and all changes or additions necessary to make the proposed facilities satisfactory to the Department.

G. Cutting and trimming of trees, shrubs, etc., shall be in accordance with the Department's EDSM IV.2.1.6 and Vegetation Manual, as revised.

H. The applicant agrees to defend, indemnify, and hold harmless the Department and its duly appointed agents and employees from and against any and all claims, suits, liabilities, losses, damages, costs or expenses, including attorneys' fees sustained by reason of the exercise of their permit, whether or not the same may have been caused by the negligence of the Department, its agents or employees, provided, however, that the provisions of this last clause (whether or not the same may have been caused by the

negligence of the Department, its agents or employees) shall not apply to any personal injury or property damage caused by the sole negligence of the Department, its agents or employees, unless such sole negligence shall consist or shall have consisted entirely and only of negligence in the granting of a permit.

I. The permit applicant agrees to provide proof of liability insurance sufficient to indemnify the Department from claims resulting from accidents associated with the use of the applicable permit. The applicant and its insurer shall notify the Department in writing at least thirty (30) days prior to cancellation of the insurance or prior to any other changes affecting the insurance coverage.

J. The applicant is the owner of the facility for which a permit is requested and is responsible for maintenance of the facility. Any permit granted by the Department is granted only insofar as the Department possesses the power and right to grant the same.

K. Any permit granted by the Department is subject to revocation at any time.

L. Signing for warning and protection of traffic in instances where workmen, equipment or materials are in close proximity to the roadway surfacing, shall be in accordance with requirements contained in the Department's Manual on Uniform Traffic Control Devices. No vehicles, equipment and/or materials shall operate from, or be parked, stored or stock-piled on any highway, median, or in an area extending from the outer edge of the shoulder of the highway on one side to the outer edge of the shoulder of the highway on the opposite side.

M. All provisions and standards contained herein relative to the installation of utilities shall apply to future operation, service and maintenance of utilities.

N. Drainage in highway side and cross ditches must be maintained at all times. The entire highway right-of-way affected by work under a permit must be restored to its preexisting condition, and shall be approved by the Department's Right-of-Way Permits Engineer.

O. Any non-metallic or non-conductive underground facility must be installed with a non-corrosive metallic wire or tape placed directly over and on the center of the facility for its entire length within highway right-of-way. Wire or tape must be connected to all facilities.

P. Prior to performing any excavations, the applicant is required to call Louisiana One-Call. If installing any underground facilities, such as cable or conduits, the applicant must be a member of Louisiana One-Call.

Q. A copy of the permit applicant's FCC license and registration number shall be submitted with the permit application. For towers in excess of 200 feet in height, a copy of FAA approval shall also be submitted to DOTD. All registration numbers shall be posted on the tower.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:96 (January 1999).

**§2305. Specific Standards for Installation and Operation of Wireless Telecommunication Tower Facilities**

A. All materials and workmanship shall conform to the requirements of the applicable industry codes and to Department specifications.

B. All safety precautions for the protection of the traveling public shall be observed. Delays to traffic will be minimized to the maximum extent possible during construction of wireless telecommunication facilities. Acceptable delays will be determined and approved by the DOTD Permit Engineer. Thereafter, no traffic delays are permissible. These precautions shall be in force and effect not only during the construction phase of the installation, but shall also be in force and effect at all times that maintenance is required. (See Manual on Uniform Traffic Control Devices-MUTCD.)

C. There shall be no unsupported, aerial installation of horizontal or longitudinal overhead power lines, wireless transmission lines, or other overhead wire lines, except within the confines of the wireless operator's facility as described herein.

1. Coaxial transmission lines, tower light power cables, and other wires or cables necessary for the proper and safe operation of the telecommunication facility required to crossover from the operator's equipment pad, shelter, or other means of communications equipment housing, to the vertical tower structure, shall be supported along their entire horizontal length by a structural cable trough and shall not exceed twenty-five (25) feet in length.

2. Electrical utility lines, wireline telephone lines, and other utility services transmitted via wireline shall be installed underground in accordance with the National Electrical Code, and the department's specifications.

3. It is the responsibility of the wireless facility operator to negotiate with owners of preexisting utilities in order to have the preexisting lines relocated to accommodate these new installations.

4. Joint use agreements and existing permits and servitudes will be taken into consideration in determining areas for installations.

D. All excavations within the limits of the right-of-way shall be backfilled and tamped in six inch layers to the density of the adjacent undisturbed soil. Where sod is removed or destroyed, it shall be replaced within one week. Where existing soil material is, at the discretion of the Department, unsuitable for backfill, select material shall be furnished in lieu thereof, and the existing material shall be disposed of by approved methods.

E. Where total clearing and grubbing is required by the telecommunication facility operator, the operator is authorized to retain all cleared timber and shall be responsible for removing all cleared timber from the right-of-way. The operator must follow-up with submittal of a landscape plan which may include an erosion control seeding plan approved by DOTD.

F. Installations through drainage structures are strictly prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:98 (January 1999).

**§2307. Order of Preference in Location Selection: (to be determined by the Department)**

- A. Rest areas and stationary weigh stations.
- B. Power poles and light standards.
- C. On longitudinal elevated structures.
- D. Co-located on DOTD-owned communications tower facilities.
- E. Inside interchange loops and adjacent on/off ramps.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:98 (January 1999).

**§2309. Fees**

A. The following fees shall apply to wireless telecommunications installations placed within State highway rights-of-way.

Type of Tower	High Demand	Medium Demand	Low Demand
Self-Supporting Tower/Antenna	Fee-\$30,000	Fee-\$15,000	Fee-\$10,000
Monopole/Antenna	Fee-\$21,000	Fee-\$12,500	Fee-\$7,500
Small Attachments to Existing Utility/Light Poles	Fee-\$6,000	Fee-\$5,000	Fee-\$4,000
Attachment on DOTD Tower	Fee-\$50,000	Fee-\$30,000	Fee-\$15,000
Video Cameras	Supply feed to DOTD	Supply feed to DOTD	Supply feed to DOTD

B. The Department of Transportation and Development, Office of Utility Permits shall have on hand during business hours maps which specify the sections of the state which are designated as "High Demand", "Medium Demand", and "Low Demand".

C. All permit fees must be paid to the Department by check or money order. The Department will not accept cash.

D. All permits will be in force and effect for a period of one year, but may be renewed for the same fee each year for a maximum of 10 years.

E. The Department may waive fees in exchange for shared resources.

F. The Department may waive fees for its agents, i.e. those permit applicants who erect facilities, attachments or cameras on behalf of the Department in order to conduct Departmental work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:98 (January 1999).

### §2311. Types of Towers Permitted

A. In rest areas, weigh stations, maintenance units, and other large tracts of property:

1. 350 ft. (maximum) self supporting lattice type towers;
2. 195 ft. (maximum) monopole tower;
3. lighted monopole tower replacement of light standard;
4. existing communication tower.

B. Other acceptable areas:

1. 195 ft. (maximum) monopole tower;
2. lighted monopole tower replacement of light standard;
3. elevated structure;
4. 350 ft. (maximum) self supporting lattice type towers;
5. existing communication tower.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:99 (January 1999).

### §2313. Co-Location

A. DOTD communications equipment shall be allowed to co-locate on wireless facility towers, at no cost to DOTD, provided that the tower's structural capacity is adequate to safely support such additional use; the existing space on the tower is at the height DOTD desires; and no technical factors exist which would prohibit such a co-location.

B. Wireless facility operators, in certain instances, may be permitted to strengthen DOTD-owned towers, at the sole cost of the wireless facility operator, to provide additional structural capacity to other users. Ownership of the new tower and responsibility for maintaining the tower shall be negotiated prior to issuance of the permit, and shall be stated on the front of the permit. Applicant shall submit a structural analysis with the permit application.

C. Each wireless facility operator which co-locates on existing wireless telecommunication facilities operating within DOTD rights-of-way shall be subject to the same conditions and requirements which apply to the owner of the tower. The co-locator shall meet all Departmental standards and policies and shall access the facility only after receiving prior written permission from the Department.

D. When co-locating on an existing wireless telecommunication facility, each installation must be permitted separately by the co-locating facility owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:99 (January 1999).

### §2315. Attachments to Existing Bridge Structures

A. No authorized attachment to an existing structure shall cause technical interference with any equipment on the facility.

B. Plans will be submitted to the Bridge Design Engineer and the Structures and Facilities Maintenance Engineer for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S.

48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:99 (January 1999).

### §2317. Access Requirements

A. Repairs under the roadway will not be allowed if such repairs necessitate open cutting the highway. If a problem occurs with a line crossing, the applicant must install a new crossing. The applicant must bear 100 percent of the cost.

B. Prior to the start of construction of wireless telecommunication facilities, the District Permit Office shall be contacted and notified of the required construction time to complete the wireless facility. The Permit Engineer may provide the operator with a specific authorized duration for access to the construction site.

C. Facilities requiring less than 6 accesses per year.

1. Access to the telecommunication facilities located adjacent to controlled access highways shall be first from the land side, second from the interchange (longitudinally) and third from the highway (to be approved in each instance). This shall not apply to those facilities with pre-existing access, such as rest areas, weigh stations or District Offices.

D. The applicant shall contact the DOTD District Permit Office and obtain approval for each time that the facility must be accessed, including routine maintenance and meter reading, as well as any other access. For non-emergency accesses, the applicant shall give at least 2 days notice, and no more than 10 days notice. The applicant shall give as much notice as possible for emergency access; and shall inform the DOTD District Permit Office after the fact when it is not possible to give advanced notice.

E. Facilities requiring 6 or more accesses per year.

1. Access to the facility shall meet all standard driveway requirements. Access to facilities located adjacent to controlled access highways shall be from the land side. This shall not apply to those facilities with pre-existing access, such as rest areas, weigh stations or District Offices.

2. The applicant shall contact the DOTD District Permit Office and obtain approval for any change in the structure or configuration of the facility. Approval from DOTD is not required for routine maintenance or minor changes to the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:99 (January 1999).

### §2319. Security Requirements

A. Fences, parking, and other security measures may be permitted in accordance with other DOTD standards.

B. Traffic barriers and/or crash mitigation structures shall be installed as deemed necessary by the Permit Engineer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 25:100 (January 1999).

Kam K. Movassaghi, Ph.D., P.E.

**RULE**

**Department of the Treasury  
Housing Finance Agency**

**Substandard Housing Assistance for Rural Economies  
(SHARE) Program (LAC 16:II.501)**

In accordance with R.S. 49:950 et seq., the Louisiana Housing Finance Agency adopts the following rule establishing the regulations governing the criteria used to award HOME Funds to the Substandard Housing Assistance for Rural Economies Grant Program in connection with the Cranston-Gonzalez National Affordable Housing Act of 1990.

The purpose of this grant is to provide safe, decent, and sanitary housing for owner-occupied homeowners throughout the State of Louisiana.

**Title 16**

**COMMUNITY AFFAIRS**

**Part II. Housing Finance Agency**

**Chapter 5. Substandard Housing Assistance for Rural Economies (SHARE) Program**

**§501. Background**

A. The Louisiana Housing Finance Agency (the "Agency"), as administrator of the HOME Investment Partnership Program for non-entitlement areas throughout the state, has established a Substandard Housing Assistance for Rural Economies Grant Program. The Agency is making available \$3,000,000.00 for the SHARE Grant Program. Each local governmental unit selected to participate will receive up to \$150,000.00 to make grants up to \$15,000.00 to qualified homeowners to rehabilitate their homes. Qualified residences must be substandard single unit residences owned and occupied by very, very low income homeowners.

1. Local Government Unit Eligibility. Local Governmental Units must not be a part of a consortium or entitlement area currently receiving HOME Funds and must complete an application in accordance with the Selection

Criteria to qualify for the Substandard Housing Assistance for Rural Economies Grant Program. Local Governmental Units accepted into the program must execute an appropriate agreement with the Agency to comply with federal laws and regulations.

2. Eligible Homeowners. Eligible homeowners must:  
a. have income that is at or below 60 percent of the median income for the area within which the municipality is located; and

b. own the single unit residence as his principal residence.

3. Qualified Residences

a. Each residence to be rehabilitated under the SHARE Grant Program must be:

i. a one unit residence, i.e., no multi-unit buildings and no mobile homes;

ii. deficient with respect to one or more conditions which are required to be addressed in order to satisfy the Section 8 Housing Quality Standards (following completion of the rehab, the residence must satisfy the Section 8 Housing Quality Standards) and;

iii. subject to an appraisal which demonstrates that the post-rehab value of the residence does not exceed HUD's 203(b) limits for the area.

b. The cost of rehabilitation of any residence may not exceed 75 percent of the replacement value of the residence.

4. Grant Awards to Eligible Homeowners. The amount of grants to homeowners under the Substandard Housing Assistance for Rural Economies Grant Program may be at least \$1,000, but not in excess of \$15,000.

5. Selection Criteria	Points
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a. Jurisdiction proposes to implement a Community Involvement Program.	25
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b. Jurisdiction proposes to provide Homeowner Training to the residents it serves under the Substandard Housing Assistance for Rural Economies Grant Program.	25
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c. Jurisdiction proposes to have material participation by CHDO or local non-profit organization. (e.g. homeowner training, identification of applicants, etc.)	10
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d. Previous Participation under LHFA's Health and Safety Rehabilitation Grant Programs with no outstanding findings.	10
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e. Project is located in an area targeted for rehabilitation by local jurisdiction. Briefly describe the neighborhood(s) targeted to receive the HOME program assistance.	15
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f. Jurisdiction proposes to serve at least three homes with dual income families.	15
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g. Jurisdiction proposes to serve at least five (5) families at 50 percent or below of area median income.	20
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- h. Jurisdiction proposes to rehabilitate at least five Housing Units Serving one or more of the following Special Needs Groups (Check one or more).
  - i. Elderly/Handicapped
  - ii. Disabled
    - Physically
    - Mentally
  - iii. HIV/AIDS
  - iv. Single Parent Households
  - v. Large Families (5 or more)

i. Jurisdiction proposes to rehabilitate Housing Units in areas within which minorities (i.e., Black, Native American, or Women) constitute a majority of the households. 20

j. Leverage Ratio for each HOME Dollar (Monies from other sources other than the homeowner to be used in conjunction with HOME funds for rehabilitation)

Minimum Other Dollars	
\$ .50	5
\$ 1.00	10
\$ 1.50	15
\$ 2.00	20
Over \$ 2.00	25

k. Projects to be located in parishes listed below qualify for selection criteria points as shown based on the per capita income (poverty level):

- i. West Feliciana-East Carroll-West Carroll-Allen; 30
- ii. St. Martin-Grant-Franklin-St. Helena-Avoyelles-Catahoula-Madison-Vernon-Tensas-Evangeline-Jefferson Davis-Bienville; 25
- iii. Winn-Concordia-Richland-Claiborne-LaSalle-Caldwell-Natchitoches-Red River-Cameron-Assumption-Acadia-Sabine; 20
- iv. Morehouse-Washington-Jackson-Tangipahoa-Pointe Coupee-Webster-Vermillion-Beauregard-East Feliciana-St. Landry-St. Mary-Terrebonne; 15
- v. Lafourche-St. James-Lincoln-Iberia-Iberville-DeSoto-Union St. John the Baptist-Plaquemines-Livingston-St. Bernard-Ouachita; 10
- vi. Bossier-Ascension-Orleans-West Baton Rouge-St. Charles-Jefferson-Calcasieu-Lafayette-St. Tammany-Rapides-Caddo-East Baton Rouge. 5

l. Jurisdiction proposes to rehabilitate housing units listed below in the following parishes in Affected/Disaster Areas due to Tropical Storm Frances/Hurricane Georges in accordance with FEMA 1246DR-LA:

- i. Acadia/Ascension/Assumption/Cameron/Evangeline/LaFourche/Livingston/Plaquemines/St. Bernard/St. James/St. John/St. Tammany/Vermillion/Washington/Tangipahoa. 15

Total  
Points

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:600 et seq.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Housing Finance Agency, LR 25:100 (January 1999).

Mike Cross  
Vice President

9901#074

**RULE**

**Department of Wildlife and Fisheries  
Office of Fisheries**

Crawfish Traps (LAC 76:VII.187)

The Secretary of the Department of Wildlife and Fisheries hereby adopts the following rule on minimum mesh requirements of crawfish traps in the eastern portion of the Atchafalaya Basin, Iberville, Iberia and St. Martin Parishes, Louisiana.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 1. Freshwater Sports and Commercial Fishing**

**§187. Crawfish Traps, Exception to State-Wide**

**Minimum Mesh Requirements**

As required by Act 267 of the 1997 Regular Session of the Legislature, the Secretary of the Department of Wildlife and Fisheries hereby adopts a minimum mesh size for commercial crawfish traps of three-quarters of one inch for the area consisting of the east side portion of the Atchafalaya Basin extending from Morgan City at the Intracoastal Canal to I-10.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:322(I).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 25:101 (January 1999).

James H. Jenkins, Jr.  
Secretary

9901#072

**RULE**

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

**Black Bass Regulations—Eagle Lake  
(LAC 76:VII.169)**

The Wildlife and Fisheries Commission hereby amends the following rule on black bass (*Micropterus spp.*) on Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 1. Freshwater Sports and Commercial Fishing**

**§169. Black Bass Regulations, Eagle Lake**

The size regulation for black bass (*Micropterus spp.*) on

Eagle Lake located east of the Mississippi River in Madison Parish, Louisiana is as follows:

It shall be unlawful to take or possess, while on the water or while fishing in the water, black bass less than 16 inches total length on Eagle Lake, located east of the Mississippi River in Madison Parish, Louisiana. This rule shall become effective January 20, 1999.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:6 (25)(a), 325(C), 326.3.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:909 (July 1993), amended LR 21:477 (May 1995), LR 22:376 (May 1996), LR 25:102 (January 1999).

Bill A. Busbice, Jr.  
Chairman

9901#073