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Executive Orders

EXECUTIVE ORDER JML 25-24

Renewal of State of Emergency—Department of
Transportation and Development

WHEREAS, pursuant to R.S. 48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road);

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

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

Section 1: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby

suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 3: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, February 28, 2025 to Sunday, March 30, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 28th day of February, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#042

EXECUTIVE ORDER JML 25-25

Review of State Leased Buildings

WHEREAS, our state government has worked diligently in the past year to eliminate wasteful spending and to identify opportunities to improve government efficiency;

WHEREAS, it is incumbent upon and the responsibility of all state agencies to actively conserve, identify, and seek available office space in state owned or leased buildings;

WHEREAS, R.S. 39:127.2 requires each agency to submit to the Division of Administration, by July 1 of each year and update by January 1 of each year, a report identifying all office space in state-owned or leased buildings, including its location and square footage, as well as any unoccupied or underutilized office space in such buildings;

WHEREAS, R.S. 39:127.2 further requires, by no later than March 1, the Division of Administration submit to the Joint Legislative Budget Committee a report regarding the amount of office space in state owned or lease buildings, the amount of unoccupied or underutilized office spaces in state owned or lease buildings, and the amount of leased office space in buildings that are not considered state owned or leased;

WHEREAS, many state agency leases provide an option to extend the lease for an additional term under the same conditions, provided written notice is given to the lessor before the lease expiration;

WHEREAS, the Legislature has declared that the maximum utilization of state owned or leased buildings is a necessary cost efficiency;

WHEREAS, JML 24-176 established the Fiscal Review Program in order to continue to create efficiencies, cut costs, and empower our state employees to help find ways to modernize our government;

WHEREAS, the duties of the Fiscal Responsibility Program include the evaluation of all state contracts to determine if they are necessary to renew, modify, or terminate, identifying government waste and finding efficiencies that can be made to reduce the burdens on taxpayers;

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

Section 1: Definitions

Unless the context of this Order clearly indicates otherwise, the words and terms used in this Order shall be defined as follows:

A. "Agency" means a department, office, division, or agency of a state governmental entity, except those provided in R.S. 39:127(C) and (D);

B. "Agency head" or "head of agency" means the chief executive or administrative officer of an agency who exercises supervision over the agency.

C. "Lease" means any agreement, including but not limited to cooperative endeavor agreements, professional services contracts, and consulting services contracts which gives rise to relationships of landlord and tenant or lessor and lessee.

D. "Office space" means all types of spaces, including those suitable to house an agency, its personnel, operations, equipment, or activities but does not include the space governed by the provisions of R.S. 49:150.1.

E. "State leased building" means a public building, or a portion of a building, belonging to or under the control of the state of Louisiana and designed to house personnel, equipment, storage, or services of the various agencies of the state.

Section 2: No later than July 1, 2025, all agencies shall submit a report to the Division of Administration:

A. The identity of any and all office space in state owned or leased buildings by location and square footage;

B. The identity of any unoccupied or underutilized office space in state owned or leased buildings by location and square footage;

C. Identify whether the office spaces is owned or leased.

D. For all state-leased buildings, the report shall include the lease amount, expiration date, and terms of any extension options.

Upon request, the Division of Administration shall make this information available to the Fiscal Responsibility Program.

Section 3: No automatic extensions of state leased buildings shall be allowed. Prior to executing a new lease, an amendment or exercising an option to extend a lease for a

state-leased building, the Agency Head shall submit a certification to the Division of Administration containing the following:

A. A statement explaining the justification of the new lease, extension or amendment;

B. Verification of available budget to support the new lease, extension or amendment;

C. The term of the lease;

D. The estimated cost of the lease extension.

Upon request, the Division of Administration shall make this information available to the Fiscal Responsibility Program.

Section 4: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Fiscal Responsibility Program in implementing the provisions of this Order.

Section 5: This order is effective upon signature of the Governor, and it shall remain in effect until amended, modified, terminated or rescinded by the Governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 11th day of March, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#043

EXECUTIVE ORDER JML 25-26

Flags at Half-Staff—Former First Lady Alice C. Foster

WHEREAS, Alice C. Foster, former First Lady of Louisiana, passed away on March 6, 2025;

WHEREAS, she was a resident of St. Mary Parish for 48 years;

WHEREAS, she was the daughter of Hubert Cosner and Vira Surles Cosner;

WHEREAS, she was the loving wife for 40 years to the late Governor Murphy J. "Mike" Foster, Jr.; the mother of Paul West (Lisette) and Troy West (Sandra); the stepmother to Murphy J. Foster, III (Diane) and Ramelle Foster; the grandmother to nine grandchildren, John West, Jennifer Harding, Michelle Eunice, Christopher West, Zachary West, Spencer West, David West, Murphy J. Foster, IV, and Clark Foster; the great-grandmother to fourteen great-grandchildren; and sister to Fred Cosner (Darlene).

WHEREAS, she served our state as First Lady for eight years with a distinguished record of accomplishments, including supporting many causes such as Project Clean-Up (The Governor's Statewide Litter Eradication Program) and Breast Cancer Awareness;

WHEREAS, she volunteered her time to the U.S. Marine Corps Reserve Toys for Tots Program, of which she served as the 1996, 1997, and 1998 campaign spokesperson;

WHEREAS, she promoted children's education through the children's book, *You Are Sunshine*;

WHEREAS, she was instrumental in creating The Louisiana Governor's Mansion Foundation to preserve and enhance the grandeur of our Governor's Mansion;

WHEREAS, in her efforts in restoring the Governor's Mansion, she helped create an Executive Board, as well as a Board of Trustees, to assist in reaching the necessary goals of the foundation;

WHEREAS, she successfully recruited designers from all over the state to volunteer their time and return the Governor's Mansion to its original splendor;

WHEREAS, her efforts to coordinate hundreds of people to restore the Governor's Mansion through a magnificent restoration as the "home of the people" are still appreciated today and should long be remembered;

WHEREAS, she was a woman of strong values, loyalty, grace, and charisma;

WHEREAS, in addition to her exemplary public service, she was known for being a kind and wonderful person;

WHEREAS, she will be cherished and remembered for her love of her family and friends;

WHEREAS, Louisiana owes a debt of gratitude to her many outstanding contributions to our state.

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

Section 1: As an expression of respect and to honor Alice C. Foster, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on March 12, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, March 12, 2025.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 11th day of March 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#044

EXECUTIVE ORDER JML 25-27

The Gulf of America

WHEREAS, pursuant to Executive Order 14172, "Restoring Names That Honor American Greatness," signed by President Trump on January 20, 2025, the President ordered the Secretary of the Interior to take all appropriate actions to rename as the "Gulf of America" the U.S. Continental Shelf area bounded on the northeast, north, and northwest by the States of Texas, Louisiana, Mississippi, Alabama and Florida and extending to the seaward boundary

with Mexico and Cuba in the area formerly named as the Gulf of Mexico;

WHEREAS, 43 U.S.C. 364b provides that subject to the approval of the Secretary of the Interior, the Board of Geographic Names shall formulate principles, policies, and procedures to be followed with reference to both domestic and foreign geographic names; and shall decide the standard names and their orthography for official use;

WHEREAS, effective February 7, 2025, the Secretary of the Interior, Doug Burgum, ordered the United States Board on Geographic Names to take all actions necessary to rename the geographic feature formerly known as the "Gulf of Mexico" to the "Gulf of America" and to update the Geographic Names Information System to appropriately reflect the change;

WHEREAS, federal agencies are currently in the process of updating their maps, products, and services to reflect the Gulf of America name change;

WHEREAS, the Governor is the publisher of the *Louisiana Administrative Code* and the *Louisiana Register* provided for through the Office of the State Register;

WHEREAS, the Office of the State Register is charged with compiling, indexing, and publishing the *Louisiana Administrative Code*;

WHEREAS, pursuant to R.S. 49:983(A)(9), the Office of the State Register may make purely formal or clerical changes to the *Louisiana Administrative Code*;

WHEREAS, the Louisiana State Law Institute is charged with receiving and considering suggestions from public officials regarding defects in the law and with recommending changes to align the state's laws with modern conditions;

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

Section 1: No later than May 20, 2025, and in accordance with the procedure outlined in R.S. 49:983, the Office of the State Register shall replace all references to the "Gulf of Mexico" with the "Gulf of America" in the *Louisiana Administrative Code*.

Section 2: All documents, maps, and other materials published by departments, commissions, boards, agencies, and officers of the State after the effective date of this order shall reflect the name change from "Gulf of Mexico" to "Gulf of America."

Section 3: I urge and request the Louisiana Law Institute to study updating all statutory references to the "Gulf of Mexico" to the "Gulf of America" to reflect the official and standard geographic name.

Section 4: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

Section 5: I also urge and request that the United States Congress pass a resolution officially recognizing the Gulf of America, establish uniform state territorial jurisdictional water limits, equal offshore boundaries, consistent rights to submerged natural resources, and equitable participation in offshore resource management, revenue, remedies, and royalties.

Section 6: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 13th day of March 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#045

EXECUTIVE ORDER JML 25-28

State of Emergency—City of Tallulah Water System

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency was declared through Executive Order No. 25-18, which expires on March 15, 2025;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations by the State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order which has the force and effect of law;

WHEREAS, La. R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, a declaration of emergency activates the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP");

WHEREAS, the City of Tallulah has approximately 8,601 persons that depend on the Tallulah Water System;

WHEREAS, the Louisiana Department of Health has determined that the Tallulah Water System is continuously at risk of failure and unable to provide safe and accessible water to the residents of Tallulah on a consistent basis;

WHEREAS, the failure of the Tallulah Water System would impact the health and safety of the citizens of the City of Tallulah;

WHEREAS, the failure of the Tallulah Water System would greatly impact the operability and sustainability of critical infrastructure within the City;

WHEREAS, the State of Louisiana desires to avoid the failure of the Tallulah Water System and to protect the city's citizens and critical infrastructure;

WHEREAS, there is a need to continue Executive Order Number JML 25-018 because the Louisiana Department of Health is still working to repair the Tallulah Water System in order to provide safe and accessible water to the residents of Tallulah on a consistent basis.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721 *et seq.*, and more specifically, La. R.S. 29:724, a state of emergency is hereby declared to exist within the City of Tallulah in the Parish of Madison.

Section 2: The Director of GOHSEP and the Louisiana Department of Health are hereby authorized to undertake any activity authorized by law deemed appropriate in response to this declaration;

Section 3: The Louisiana Department of Health shall identify and designate an experienced certified operator to serve as the operator for the Tallulah Water System within three days of the signing of this order.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code, (R.S. 39:1551, *et seq.*), and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this event.

Section 6: This Order is effective Friday, March 14, 2025, and shall continue in effect until Sunday, April 13, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 14th day of March 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#046

EXECUTIVE ORDER JML 25-29

Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 160 JBE 2023;

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-20 which is in effect through Sunday, March 16, 2025;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023;

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 *et seq.*, ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern's integrity;

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political

subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, March 14, 2025, to Sunday, April 13, 2025, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 14th day of March 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#047

EXECUTIVE ORDER JML 25-30

Renewal of State of Emergency—Hurricane Ida

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021;

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 25-019, which is in effect through Sunday, March 16, 2025;

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency;

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would

in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Friday, March 14, 2025 to Sunday, April 13, 2025, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 14th day of March 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#048

EXECUTIVE ORDER JML 25-31

Renewal of State of Emergency
Winter Weather—January 18, 2025

WHEREAS, the Governor is responsible for meeting the dangers to the state and people presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B) (1) empowers him to declare a state of emergency or disaster by executive order, which has the force and effect of law;

WHEREAS, R.S. 29:724 authorizes the Governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, a declaration of emergency or disaster activates the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP");

WHEREAS, GOHSEP is responsible for determining the requirements of the state and its political subdivisions for food, clothing, and other necessities and supplies in a designated emergency area;

WHEREAS, the State experienced winter weather which resulted in extreme cold temperatures, wind chills, and prolonged temperatures below freezing for much of the area from January 20, 2025, through January 24, 2025;

WHEREAS, the National Weather Service issued cold weather advisories and extreme cold warnings for the State beginning Monday, January 20, 2025, and advised people to minimize time outdoors and prepare for power outages;

WHEREAS, much of South Louisiana received 4 to 8 inches of snowfall with isolated areas reporting 12 inches or more making this the second-largest snow event on record and the biggest snow event since February of 1895;

WHEREAS, the winter weather brought below-freezing temperatures with temperatures in the single digits across southern Louisiana;

WHEREAS, the cold winter air persisted for seven days across northern Louisiana (January 19-January 25) with freezes recorded on five consecutive days as far south as New Iberia;

WHEREAS, the State of Louisiana recognizes the need for direct state assistance to supplement and support operational measures at the parish level, enabling more effective coordination, deployment of resources, and provision of essential services to mitigate the ongoing effects of the event;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens in Louisiana.

Section 2: Pursuant to R.S. 29:724 (A) (3) the designated emergency area, which is or may be affected shall include the entire State of Louisiana.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 5: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 7: This Order is effective upon signature and shall remain in effect from Wednesday, March 19, 2025, until Friday, April 18, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 19th day of March, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#049

EXECUTIVE ORDER JML 25-32

State of Emergency—Office of Motor Vehicles

WHEREAS, the Governor is responsible for meeting the dangers to the state and people presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order which has the force and effect of law;

WHEREAS, R.S. 29:724 authorizes the Governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the Department of Public Safety and Corrections, through its services, offices, and officers, has general authority for the security and physical safety of the citizens and property of Louisiana, the enforcement of laws and regulations pertaining to criminal conduct, the rehabilitation of youthful offenders, automobile and highway safety, motor vehicles and drivers, and fire protection;

WHEREAS, the Department's public safety services include the Office of Motor Vehicles which is charged with performing the functions of the state relative to the examination and licensing of drivers of motor vehicles within the state, the suspension and revocation of such licenses, the approval of driver education programs, issuance of vehicle title and registration certificates, recordation of liens against motor vehicles, and the collection of appropriate fees and motor vehicle sales tax;

WHEREAS, the OMV has consistently experienced system outages, leading to the closure of field offices and preventing public tag agents from processing driver's licenses, vehicle registrations, and reinstatement transactions;

WHEREAS, the OMV application and database are over 50 years old and operate on more than 400 programs written in a programming language that is over 60 years old, making support options both limited and costly due to its outdated and complex nature;

WHEREAS, the OMV system has not been purged since 2008;

WHEREAS, modern applications instituted to create public efficiency are instead taxing the mainframe and causing crippling delays for the public;

WHEREAS, the Office of Motor Vehicles continually experiences issues with searches for VIN numbers, driver's license numbers, and license plates;

WHEREAS, during periods of high transaction volume, the mainframe frequently enters a suspended state as it struggles to keep up with demand;

WHEREAS, the current mainframe lacks redundancies, leaving the system vulnerable to disruptions;

WHEREAS, the current mainframe is out of space for new license plates, new indicators on driver's licenses, and new flags on driver's licenses;

WHEREAS, it is imperative for the Office of Motor Vehicles to procure and implement a modernized system to effectively carry out its responsibilities, including driver examination and licensing, license suspension and revocation, vehicle title and registration issuance, lien recordation, and the collection of motor vehicle-related fees and taxes;

WHEREAS, past administrations attempted to procure a new system for OMV but failed to implement it.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the safety and property of the citizens in Louisiana.

Section 2: Pursuant to R.S. 29:724(D)(1), the following provisions are hereby suspended: the Louisiana Procurement Code (R.S. 39:1551 *et seq.*); the Louisiana Information Technology Procurement Code (R.S. 39:196-200) and the provisions of R.S. 32:412 (A)(7)(a) governing the expiration of Class "E" driver's licenses and R.S. 32:412(D)(2) which imposes a fifteen dollar late fee for the renewal of a license which expired more than ten days prior to the date of the application.

Section 3: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 4: This Order is effective from the date of the emergency, Thursday March 20, 2025, and shall continue in effect until Saturday, April 19, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 20th day of March, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#050

EXECUTIVE ORDER JML 25-33

Amended and Restated Conditions for Participation in the Industrial Tax Exemption Program

WHEREAS, Louisiana values its manufacturers and their contributions to its economy;

WHEREAS, most states offer some form of property tax exemption to manufacturers;

WHEREAS, to attract larger, high-quality projects, it is necessary to offer competitive property tax exemptions to manufacturers;

WHEREAS, La. Const. art. 7, § 21(F) provides that the Board of Commerce and Industry, with the approval of the governor, may enter into contracts for the exemption from ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment, on such terms and conditions as the board, with the approval of the governor, deems to be in the best interest of the state;

WHEREAS, the Board of Commerce and Industry ("BCI") is authorized to administer the granting of the exemption from ad valorem taxes provided by La. Const. art. 7, § 21(F) and, with the assistance of Louisiana Economic Development ("LED"), established the Industrial Tax Exemption Program ("ITEP");

WHEREAS, ITEP projects involve capital investment in regions across Louisiana;

WHEREAS, the governor plays a vital role in determining which projects will receive ITEP, and it is essential to set forth criteria that the governor will consider for purposes of deciding what is in the best interests of the state and which ITEP projects will be approved;

WHEREAS, the BCI promulgated rules and regulations for ITEP that promote the best interests of the state, consistent with the authority provided to it by the Constitution;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: The governor will consider the criteria set forth herein for purposes of determining what is in the best interests of the state for consideration of ITEP contracts. The BCI will also consider criteria set forth in its rules and regulations for purposes of determining what is in the best interests of the state for consideration of ITEP contracts.

Section 2: ITEP contracts are to demonstrate a genuine commitment to investing in the communities in which they operate.

Section 3: ITEP contracts must meet the constitutional definition of “manufacturing establishment” determined by the BCI.

Section 4: ITEP applicants may file a project application with LED in order to apply for tax exemption, both for a new manufacturing establishment or an addition to an existing manufacturing establishment, in order to be considered for approval by the governor. Project applications for miscellaneous capital additions and project applications for tax exemptions for maintenance capital, required environmental capital upgrades, and replacement parts, except those replacements required in the rehabilitation or restoration of an establishment, to conserve as nearly, and as long as possible, original condition, shall not be considered or approved. Sustaining capital expenditure, proactive environmental capital upgrades, and replacement parts shall qualify as an addition to a manufacturing establishment only if required in the rehabilitation or restoration of an establishment, to conserve as nearly, and as long as possible, original condition, and described in the project application.

Section 5: If local governmental entities wish to provide input to the governor or the BCI on pending ITEP project applications, local officials or employees, collectively comprising an ad hoc Local ITEP Committee (“the Committee”) shall be composed of one voting member representative from: 1.) the parish or police jury, as applicable, 2.) the school board, 3.) the sheriff, and 4.) the mayor, if applicable. Representatives shall be elected by each local governmental entity by majority vote at a public meeting conducted in accordance with Open Meetings Law. Additional, ex-officio non-voting members may include the assessor, the parish’s highest-ranking economic development staff, representatives of the local economic development organization, or if no local economic development organization exists, a representative from the regional economic development organization. Decisions by the Committee, if any, are not dispositive and do not bind the governor or the BCI. Local government officials are also encouraged to provide public comment when a project application is filed with the BCI.

Section 6: Input from the Committee is important for consideration of an ITEP project application (project application); however, it should not unduly delay the project application approval process. After LED completes the review of the project application, a copy of the project application shall be transmitted to the Committee, upon which date shall begin a notice period of 45 calendar days to consider the project application. The Committee is not required to hold a meeting; however, any such meeting held to consider a project application shall be considered public business and conducted by officials in accordance with the Open Meetings Law. The Committee shall submit notice of the issuance of a resolution to LED with its recommendation for issuance of industrial ad valorem tax exemption project applications within its jurisdiction. If the Committee does not take action or provide a resolution within the 45 calendar days, then the project application will be deemed accepted by LED.

Section 7: The BCI shall revise its rules to align with the Executive Order relative to providing local input in the ITEP project application process. The BCI may also subsequently revise its rules to address any other contractual

arrangements or process revisions deemed necessary for effective program administration, as long as such revisions are in keeping with the intent of this Executive Order and promulgated in accordance with the Administrative Procedure Act.

Section 8: Companies with ITEP contracts existing under 2017 and 2018 Rules may “opt out” of the jobs, payroll, and compliance components by amending its Exhibit A to reflect zero jobs and zero payroll regardless of whether the contract is up for renewal. Amendments to an Exhibit A to reflect zero jobs and zero payroll shall be prospective, i.e., effective from the year of the BCI approval of the amendment.

Section 9: The Department of Revenue (“LDR”) shall review the project application and may require additional information from the applicant. LED must receive a letter of no objection or a letter of approval from LDR before the BCI takes action on the project application. LDR shall, in coordination with LED, implement procedures to assure compliance with existing law, this Executive Order, and the terms of the ITEP contract. If at the time of filing a project application, the company has no employees, LED may elect to provide a copy of the project application to the Louisiana Workforce Commission (“LWC”) for review to verify assigned NAICS codes and industry sector classification. LWC may submit a letter of objection to LED; however, if LWC does not take action, the ITEP project application shall be deemed approved.

Section 10: A minimum of \$500,000,000 in capital expenditures by a manufacturing establishment’s expansion or addition project may be considered a Mega Project by the Committee and recommended to the BCI and to the governor for consideration of an ITEP exemption higher than the 80% ad valorem tax exemption base rate.

Section 11: The exemption for ITEP projects shall be for an initial term of no more than five calendar years and may be renewed for an additional time period of up to five years. All property exempted shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission, but no more than 20% of taxes shall be collected during the period of exemption. Except that in exceptional circumstances, such as payment of taxes under protest or change orders approved by the Louisiana Tax Commission, properties with payments made in excess of 20% may nevertheless still be eligible for exemption, after review of all relevant documentation and if approved by the BCI.

Section 12: In considering new contracts and renewals for approval, as a general rule, the governor will only approve those contracts or renewals having a term of five years or less and providing for an ad valorem exemption of 80%. In exceptional circumstances, considering contracts and renewals for Mega Projects, the governor may approve either the 80% exemption base rate or an increased rate range from 93% up to 100%.

Section 13: The terms for the governor’s approval of the contracts for ITEP, as provided for in this Executive Order, represent the primary cause for the governor’s approval of an ITEP contract. Any occurrence that operates to change, suspend, or breach the terms of the contract shall render the approval of the governor null and void.

Section 14: Companies with advance notifications filed on or after February 21, 2024, but before the 2025 final rule promulgation, are subject to the ITEP Emergency Rule provisions, originally published in May of 2024 and renewed in the November 2024 edition of the *Louisiana Register*. Companies with project applications filed on or after the date of March 20, 2025, shall be subject to the new final rule.

Section 15: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with implementing the provisions of this Order.

Section 16: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 20th day of March, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#051

EXECUTIVE ORDER JML 25-34

Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor John Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-22, which is in effect through Sunday, March 23, 2025;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, it is necessary for the State to continue to work cooperatively to mitigate any damages, current or future from cybersecurity breaches and to address cybersecurity vulnerabilities in current systems;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Friday, March 21, 2025 to Sunday, April 20, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 21st day of March, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#052

EXECUTIVE ORDER JML 25-35

Renewal of State of Emergency
Department of Transportation and Development

WHEREAS, pursuant to R.S. 48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road);

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

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

Section 1: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern

University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 3: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, March 28, 2025 to Sunday, April 27, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 28th day of March, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#053

EXECUTIVE ORDER JML 25-36

Flags at Half-Staff—Former Senator J. Bennett Johnston

WHEREAS, J. Bennet Johnston, former United States Senator and member of the Louisiana State Senate and Louisiana State House of Representatives, passed away on March 25, 2025, following a lifetime of service to the people of Louisiana;

WHEREAS, he was born in Shreveport on June 10, 1932 to John Bennett Johnston, Sr. and Wilma (Lyon) Johnston;

WHEREAS, he attended West Point, Washington and Lee University, and Louisiana State University Law School;

WHEREAS, he married his wife Mary in 1956 and had four children: J. Bennett Johnston III, Hunter Johnston, Mary Johnston Norriss, and Sally Roemer;

WHEREAS, he served our nation in the Army from 1956 to 1959, serving as a first lieutenant with the Judge Advocate General's Corps in Germany

WHEREAS, he was elected to the Louisiana Legislature in 1963 and served two terms there;

WHEREAS, he was elected to the United States Senate in 1972;

WHEREAS, he served in the United States Senate for 24 years and announced his retirement in 1995;

WHEREAS, he served as Chairman of the Senate Committee on Energy and Natural Resources and was a

constant champion of promoting and protecting Louisiana's energy industry;

WHEREAS, he was known for his bipartisan statesmanship, working with members of both major political parties to serve the people of Louisiana;

WHEREAS, in addition to his tremendous work in the energy sector, he also helped drive and expand economic development and other projects across the state, including the construction and expansion of Louisiana interstates, including I-49 and I-10, obtaining millions of dollars to protect Louisiana wetlands, hundreds of millions of dollars for research at Louisiana State University, and countless other projects across the state;

WHEREAS, he was instrumental establishing two national parks and seven wildlife refuges, including the Jean Lafitte National Park, the Cane River National Historic Park, the New Orleans Jazz National Historical Park, and the Bayou Sauvage Urban National Wildlife Refuge;

WHEREAS, he helped achieve the construction of the Baton Rouge Russell B. Long Federal Building and Courthouse;

WHEREAS, many buildings, plazas, and programs are named in his honor, including the J. Bennett Johnston Red River Waterway, which was a major initiative for him;

WHEREAS, the Washington Post called him "ferocious battler for home state interests;"

WHEREAS, he was a model of bipartisanship by looking past political divides in order to do what was right for the people of Louisiana;

WHEREAS, his principles of good governance will continue to serve as a model for future generations;

WHEREAS, his contributions to the people of Louisiana, whether it was via funding, projects, buildings, parks, or goodwill, are all appreciated by the people of our state;

WHEREAS, he will be remembered for his tireless efforts to support the people of Louisiana through his legislative advocacy;

WHEREAS, his work was well-known and appreciated by those who worked with him, including numerous United States Presidents and United States Senators;

WHEREAS, he was known as a man of action, a father, grandfather, and friend and was described as curious, passionate, strong, and positive;

WHEREAS, he is survived by his wife Mary, his four children: J. Bennett Johnston III and his wife, Justyna Kareta of Mill Valley, CA (Sam Johnston); N. Hunter Johnston and his wife Stephanie Johnston of Washington, D.C. (Hunter, Courtney, and Julia Johnston); Mary Johnston Norriss and her husband, David Norriss of New Orleans, LA (Sarah and Ryan Catallo); and Sally Johnston Roemer and her husband Tim Roemer of Great Falls, VA (Patrick, Matthew, Sarah and Grace Roemer);

WHEREAS, Louisiana owes a debt of gratitude to his many outstanding contributions to our state.

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

Section 1: As an expression of respect and to honor Senator J. Bennett Johnston, the flags of the United States and the State of Louisiana shall be flown at half-staff over

the State Capitol and all state buildings from sunrise until sunset on April 2, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, April 2, 2025.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 31st of March 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#054

EXECUTIVE ORDER JML 25-37

Flags at Half-Staff
Sergeant Grant James Candies

WHEREAS, on March 23, 2025, Sergeant Grant James Candies tragically lost his life while bravely serving in the line of duty;

WHEREAS, he was born on February 29, 1988, in Luling, Louisiana, the son of Bettye Freeman and retired Captain Mark Candies of the St. Charles Parish Sheriff's Office;

WHEREAS, he dedicated his entire life to serving his community, and his life reflects the heroic and remarkable service he offered to others;

WHEREAS, he nobly served our nation in the United States Marine Corps, serving as Sergeant of the MALS-11 unit from 2006 to 2013 and also served as a Marine Corps Martial Arts Program instructor and avionics technician;

WHEREAS, in 2016, he brought his leadership and resilience skills to the St. Tammany Parish Sheriff's Office, where he rose to the role of Field Training Officer in the Criminal Patrol Division;

WHEREAS, his exemplary leadership and service were evident to all who knew him and were reflected in his numerous commendations and awards, including the 2023 Medal of Lifesaving Award (2x), 2023 STPSO Deputy of the Year, the 2023 Oscar J. Thomas Charitable Trust Award, the 2024 Northlake Mandeville Rotary Club Public Service Award, 2024 VFW Police Officer of the Year, and the 2024 Elks Care Medal of Service;

WHEREAS, while training new deputies, he was able to instill in them the values of integrity, courage, and unshakable commitment to service;

WHEREAS, he truly exemplified outstanding law enforcement as a disciplined, compassionate, and selfless law enforcement officer;

WHEREAS, he lived his life by the Marine Corps principle "leading from the front";

WHEREAS, he also served our country by interning in the United States Marshals Service;

WHEREAS, he attended Southeastern Louisiana University, where he met the love of his life, Courtney, and together they made St. Tammany Parish their home;

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WHEREAS, he was known as a protective, fun, and deeply loving family man beyond the badge, and he and Courtney had two beloved children, Brenna and Bryson, and he raised them with the values he reflected: strength, kindness, and unwavering dedication;

WHEREAS, Sergeant Candies' life exemplified the courage and commitment of those who stand on the Thin Blue Line, a symbol of the brave men and women who dedicate their lives to protecting our communities. Sergeant Candies, like so many others, faced the dangers and challenges of law enforcement with unwavering resolve, embodying the ideals of justice and service. As we remember Sgt. Candies, we honor not only their ultimate sacrifice but also the profound impact of his brothers and sisters in uniform who stood resolutely on that Thin Blue Line, preserving the safety and peace of our communities;

WHEREAS, he will be remembered for his purpose, leadership, and unyielding service and his laughter, wisdom, and selfless spirit will live on in all those who knew him;

WHEREAS, in addition to being an exemplary law enforcement officer, he was a husband, a father, a Marine, a mentor, and a leader who truly demonstrated selfless service to others;

WHEREAS, he is survived by his loving wife, Courtney, and their cherished children, Brenna and Bryson; his mother Bettye Freeman (Carl Sr.) and father Mark Candies (Lori); sisters Lauren (Cole) Matherne, Lauren Ashley (Brandon) Borey, and Lacie Duplessis; brother Carl Jr. (Jordin) Freeman; niece Emma; nephew Brooks; father-in-law Kenneth Singletary; grandmother Emma Lou Freeman; grandmother-in-law Brenda Whitehead; a host of aunts, uncles, and cousins; and his Sheriff's Office family and Marine Corps brothers; and he is preceded in death by his mother-in-law Bessie Singletary; grandmothers Virginia Candies and Kista Elliot; grandfathers Benjamin Candies and Billy Joe Elliot; and grandfather-in-law Floyd Whitehead;

WHEREAS, Sergeant Grant James Candies is a true hero, whose service and sacrifice will forever inspire the people of our state as his legacy continues.

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

Section 1: As an expression of respect and to honor Sergeant Grant Candies, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on April 1, 2025.

Section 2: This Order is effective upon signature and shall remain in effect until sunset, April 1, 2025.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 31st of March 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#055

WHEREAS, the Legislature has created numerous boards and commissions responsible for safeguarding life, health, and property, as well as protecting the public welfare through the oversight of various professions;

WHEREAS, the Legislature has recognized in R.S. 49:901 that agencies, boards, and commissions that exercise the police power of the state in their regulatory, licensing and fee-collecting activities should be regularly reviewed;

WHEREAS, the Legislature has charged many State Departments and agencies with regulatory duties and responsibilities;

WHEREAS, to ensure government transparency all statements, guides, or requirements for action, which have general applicability and the effect of implementing or interpreting substantive law or policy, or which prescribe the procedure or practice requirements of an agency, must be promulgated through the Louisiana Administrative Procedure Act;

WHEREAS, R.S. 49:964 grants interested persons the right to petition agencies for the adoption, amendment, or repeal of a rule, ensuring that agency rules and regulations remain relevant and responsive to public concerns;

WHEREAS, the Office of the State Register is mandated to host an online portal that allows interested persons to submit comments regarding agency rules they believe are contrary to law, outdated, unnecessary, overly complex, or burdensome, and agencies must respond within ninety days by either addressing the comment in rulemaking proceedings or providing a written explanation;

WHEREAS, agencies engaged in rulemaking must conduct a public hearing at least once every six years to receive input from interested persons on the necessity and appropriateness of existing rules and regulations;

WHEREAS, agencies are required to fully consider and respond to all public comments, ensuring a transparent and participatory rulemaking process;

WHEREAS, agencies must conduct a systematic review of their rules so that all rules are evaluated within a five-year period, ensuring they remain necessary, lawful, and balanced in their benefits and burdens on regulated persons;

WHEREAS, transparency dictates that rules be written in a manner that the public can easily understand;

WHEREAS, in 2010 Congress passed the Plain Writing Act of 2010 (Public Law 111-274) requiring federal agencies to use "clear government communication that the public can understand and use" in all documents they issue to the public;

WHEREAS, R.S. 49:953(H) provides that the governor shall be the publisher of the Louisiana Administrative Code and the Louisiana Register;

WHEREAS, the Louisiana Administrative Code has become bloated with rules and regulations that are unnecessary and obsolete;

WHEREAS, the rules in Exhibit A, have remained unchanged for twenty years or more;

WHEREAS, this administration is committed to removing unnecessary regulatory barriers;

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

Section 1: State agencies shall promulgate only such rules and regulations as are required by law. In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.

Section 2: Administrative rules must be written using the principles of plain language. The Louisiana State Register shall develop training based on federal plain language guidelines and make it available on its website.

Section 3: By December 31, 2025, each state board, commission, department, agency, or other rule-making entity must review at least 50% of the rules listed in Exhibit A or a minimum of 100 rules, whichever is greater. The remaining rules must be reviewed by December 31, 2026.

The agency shall evaluate each rule as set forth in R.S. 49:964(D) to determine whether it is necessary, consistent with the law, and aligned with the agency's mission. Additionally, the agency shall assess whether the benefits of the rule outweigh the burdens and costs on those regulated by it.

Section 4: The agency shall report a list of the reviewed rules to the Office of the Governor and to the relevant legislative oversight committees, including proposed actions for each rule reviewed.

Section 5: In addition to the legislative oversight committees, all agencies shall submit the annual reports required by R.S. 49:964 (D) and R.S. 49:966 (K) to the Office of the Governor.

Section 6: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with implementing the provisions of this Order.

Section 7: This Order is effective upon signature and shall remain in effect unless amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 1st day of April 2025.

EXHIBIT A

DIVISION OF ADMINISTRATION

Title 4

ADMINISTRATION

Part I. General Provisions

- 301 (Last Revision 1986)
- 501-513 (Last Revision 1990)
- 701-713 (Last Revision 2001)

Part V. Policy and Procedure Memoranda

- 101, 301 (Last Revision 1975)
- 2901-3111 (Last Revision 1984)
- 3301 (Last Revision 1985)
- 701, 703 (Last Revision 1986)
- 501-505, 2713, 2717 (Last Revision 1988)
- 1901, 1903 (Last Revision 1991)
- 4101-4117 (Last Revision 1999)

Part VII. Governor's Office

- 501 (Last Revision 1979)
- 301, 317 (Last Revision 1980)
- 333, 1701 (Last Revision 1983)
- 1700 (Last Revision 1986)
- 1737 (Last Revision 1991)
- 101, 103, 131, 1901, 1903 (Last Revision 1998)
- 1265-1269 (Last Revision 1999)
- 1271, 1273 (Last Revision 2000)
- 1720-1737 (Last Revision 2001)
- 1741-1749, 1281, 1283, 2101-2121 (Last Revision 2002)

Part IX. Telecommunications

- 101-301, 305-705, 901-2101 (Last Revision 1999)
- 707 (Last Revision 2002)

Part XIII. Statewide Reporting and Accounting Policy

- 101-111 (Last Revision 2002)

Part XVII. Records Management Policies and Practices

- 101-1553 (Last Revision 2003)

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT, AND PROPERTY CONTROL

Part I. Purchasing

- 5101-5324 (Last Revision 1986)

Part III. Facility Planning and Control

- 151 (Last Revision 1993)
- 201 (Last Revision 1994)
- 901 (Last Revision 1998)
- 501-517 (Last Revision 2000)

Part VII. Property Control

- 501, 503 (Last Revision 1986)
- 101-105, 301-305, 309-325, 505-709 (Last Revision 1989)
- 901 (Last Revision 1991)
- 307 (Last Revision 2002)

Part IX. Federal Property Assistance Agency

- 101, 105, 301-3101 (Last Revision 1998)

Part XI. Fleet Management

- 105 (Last Revision 1987)

Title 37

INSURANCE

Part III. Patient's Compensation Fund Oversight Board

- 103, 107, 113, 301, 305-503 (Last Revision 1992)
- 1927, 1929 (Last Revision 1993)
- 1913, 1915 (Last Revision 2001)

DEPARTMENT OF AGRICULTURE AND FORESTRY

Title 7

AGRICULTURE AND ANIMALS

Part I. Administration

- 105 (Last Revision 1992)
- 107 (Last Revision 1997)
- 201, 203, 205 (Last Revision 1998)

Part III. Agriculture Finance

- 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125 (Last Revision 1984)
- 127, 129, 131, 133, 135, 137, 138, 139, 141 (Last Revision 1991)

Part V. Advertising, Marketing, and Processing

- 925, 933 (Last Revision 1969)
- 1701, 1703, 1705, 1707, 1709, 1711, 1713, 1715, 1717, 1719 (Last Revision 1972)
- 101, 103, 105, 109, 111, 115, 117, 119, 121, 123, 125 (Last Revision 1980)
- 107, 113, 501, 503, 505, 507, 509, 511 (Last Revision 1981)
- 901, 907, 909, 1301, 1303, 1305, 1307, 1309, 1501, 1503, 1505, 1507 1509, 1511, 1513, 1515, 1517, 1519 (Last Revision 1982)
- 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1117, 1119, 1121, 1123, 1125, 1129, 1131, 1133 (Last Revision 1985)
- 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325 1987 (Last Revision 1987)
- 701, 703, 705, 707, 711, 713, 715, 717, 903, 905, 921, 931, 937, 939, 941, 943, 945, 949 (Last Revision 1993)
- 1135 (Last Revision 1994)
- 915, 917, 935, 1115, 1127 (Last Revision 1997)
- 1601, 1603, 1605, 1607, 1609, 1611, 1613, 1617, 1619, 2101, 2115 (Last Revision 1998)
- 911, 1615 (Last Revision 1999)
- 927, 929 (Last Revision 2002)

Part VII. Dealers in Farm Products

- 101 (Last Revision 1964)
- 107, 109 (Last Revision 1967)
- 103 (Last Revision 1987)

Part XI. Fertilizers

- 109, 111, 125, 129 (Last Revision 1986)

Part XV. Plant Protection and Quarantine

- 101, 105, 107, 109, 111, 113, 115, 117, 119, 121, 125, 129, 149, 151, 153, 155, 157, 159, 161, 163, 165 (Last Revision 1985)
- 131 (Last Revision 1992)
- 305, 317 (Last Revision 1995)
- 103, 133, 135, 137, 138, 139, 141, 145, 147 (Last Revision 2001)
- 126, 143 (Last Revision 2003)
- 314 (Last Revision 2004)

Part XVII. Feed

- 105, 107, 109, 111, 113, 125, 127, 129, 133, 147, 151 (Last Revision 1985)
- 121 (Last Revision 2004)

Part XXIX. Horticulture Commission

- 101 (Last Revision 1982)
- 121 (Last Revision 2000)

Part XXXI. Milk, Milk Products and Substitutions

- 101-125 (Last Revision 1975)
- 301-329 (Last Revision 1994)

Part XXXIII. Meat and Poultry Inspections

- 101-125 329 (Last Revision 2006)
- 127-131, 137, 139, 141 329 (Last Revision 1980)
- 135 329 (Last Revision 1989)
- 133 329 (Last Revision 2005)

Part XXXV. Agro-Consumer Services

- 105, 111, 115, 119, 121, 131, 133 (Last Revision 1993)
- 129 (Last Revision 1998)

Part XXXVI. Agricultural Ethanol Production

- 101, 105, 107, 109, 113, 115, 117, 119, 121, 123 (Last Revision 1986)
- 103, 111 (Last Revision 1987)

Part XXXVII. Security Devices

- 107, 109, 111, 115 (Last Revision 1987)
- 119 (Last Revision 1988)
- 101, 103, 105, 117 (Last Revision 1989)

Part XXXIX. Forestry

- 1003, 1005, 1007, 1009, 1011, 1013, 1015, 1017 (Last Revision 1992)
- 903, 905, 909, 1101 (Last Revision 1995)
- 103, 109, 1301, 1305, 1309, 1313, 1317, 1319 (Last Revision 1998)
- 1505 (Last Revision 2001)

Title 37
INSURANCE

Part IX. Agricultural Commodities

- 113-121, 125 (Last Revision 1987)
- 103, 111, 127 (Last Revision 1993)
- 101, 105-109, 123 (Last Revision 1998)

OFFICE OF FINANCIAL INSTITUTIONS
Title 10
FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

Part I. Financial Institutions

- 703 (Last Revision 1982)
- 503, 505 (Last Revision 1993)
- 701 (Last Revision 1995)
- 301, 305, 901 (Last Revision 1997)
- 1101 (Last Revision 2004)

Part III. Banking

- 301 (Last Revision 1977)
- 303 (Last Revision 1983)
- 307 (Last Revision 1984)
- 501-517 (Last Revision 1987)
- 705 (Last Revision 1990)

Part V. Thrifts

- 501-507, 511-517, 1501-1505, 1509 (Last Revision 1980)
- 509, 1507, 1511 (Last Revision 1980)

Part VII. Savings Banks

- 301-523 (Last Revision 1995)

Part IX. Credit Unions

- 101 (Last Revision 1991)
- 301, 303 (Last Revision 1994)

Part XI. Consumer Credit

- 701 (Last Revision 1984)
- 901-905 (Last Revision 2000)

Part XIII. Investment Securities

- 101-153, 301-323, 501-515, 1103 (Last Revision 1971)
- 701-707 (Last Revision 1990)
- 901, 1101 (Last Revision 1992)

Part XV. Other Regulated Entities

- 101-109 (Last Revision 1992)
- 917 (Last Revision 1994)
- 901-915 (Last Revision 1996)

- 301, 315, 321 (Last Revision 1996)
- 323, 505, 509, 1501-1509 (Last Revision 2002)
- 325, 327 (Last Revision 2003)
- 303-313, 317-320, 331, 1301, 1305-1313, 1317-1321 (Last Revision 2004)

Part XVII. Miscellaneous Provisions

- 501 (Last Revision 1997)
- 701 (Last Revision 2000)

DEPARTMENT OF ECONOMIC DEVELOPMENT

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

- 901, 905, 907, 909, 911, 915, 917, 919 (Last Revision 1992)
- 101, 103, 105, 109, 111, 113, 115, 301 (Last Revision 2000)
- 3101 (Last Revision 1974)
- 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1323, 1325, 1327 (Last Revision 1993)
- 1501, 1503, 1505, 1506, 1507, 1509, 1511, 1513, 1515, 1516, 1517, 1518, 1519, 1521, 1525, 1527 (Last Revision 2000)

Part III. Financial Assistance Programs

- 1101, 1103, 1105 (Last Revision 1986)
- 901, 903, 905, 907, 909, 911, 913 (Last Revision 1990)
- 701, 703, 705, 709, 711, 713, 715 (Last Revision 1999)

- 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525 (Last Revision 2000)

- 1501-1511 (Last Revision 2003)

Part V. Office of the Secretary

- 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121 (Last Revision 1999)

Title 19

CORPORATION AND BUSINESS

Part I. Office of Women's Business Enterprise

- 101, 103, 301, 305, 501 (Last Revision 1984)
- 303 (Last Revision 1989)

Part II. Small and Emerging Business Development Program

- 101, 103, 117, 119, 901, 907-915, 1101, 1301, 1303 (Last Revision 2004)

Part III. Minority Business Enterprises

- 101, 301, 501, 503, 507-523, 901-1515, 1705, 1707, 1901-2301 (Last Revision 1985)
- 1517, 1701, 1703 (Last Revision 1987)
- 505, 701, 703 (Last Revision 1989)

Part VII. Louisiana Economic Development Corporation

- 2101-2123, 2315-2517, 5101-5123 (Last Revision 1989)
- 6101-6117 (Last Revision 1995)
- 2301-2313, 7501-7515 (Last Revision 1997)
- 7301, 7307 (Last Revision 1999)
- 7101-7237 (Last Revision 2000)
- 2701-2713, 7303, 7305, 7901-7911 (Last Revision 2003)

HOUSING CORPORATION

Title 16

COMMUNITY AFFAIRS

Part I. General Provisions

- 301-359 (Last Revision 1981)
- 101 (Last Revision 1994)

Part II. Housing Programs

- 103, 107 (Last Revision 1993)
- 101 (Last Revision 1995)
- 301-317 (Last Revision 1997)
- 105 (Last Revision 1998)
- 501 (Last Revision 1999)

Part III. Consumer Protection

- 301-325, 501-515 (Last Revision 1995)

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

- 711 (Last Revision 1985)
- 702 (Last Revision 1988)
- 710 (Last Revision 1991)
- 781-799 (Last Revision 1994)
- 709 (Last Revision 1998)
- 713, 901-907, 911-923 (Last Revision 2002)
- 705, 909 (Last Revision 2003)
- 701, 703 (Last Revision 2004)

Title 55

PUBLIC SAFETY

Part XIII. Constables and Justices of the Peace

Supplemental Pay

- 2001 (Last Revision 1987)

Part XV. Firemen Supplemental Pay

- 2001, 2003, 2005, 2007, 2009 (Last Revision 1987)

Part XVII. Municipal Police Officers Supplemental Pay

- 2001, 2003, 2005, 2007, 2009, 2011, 2013 (Last Revision 1987)

Part XIX. Deputy Sheriffs' Supplemental Pay

- 101 (Last Revision 1998)

COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF CRIMINAL JUSTICE

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice

- 301-2107 (Last Revision 1978)
- 2501-2709, 2903-3711 (Last Revision 1980)
- 5101 (Last Revision 1989)
- 2901 (Last Revision 1991)
- 4741 (Last Revision 1999)

Part IX. Sentencing Commission

- 101, 201, 203, 207, 211-215, 303-311, 404 (Last Revision 1992)
- 403 (Last Revision 1993)
- 103, 205, 209, 301, 401, 402 (Last Revision 1994)

Part XIII. Crime Victims Reparations Board

- 101 (Last Revision 1994)

COMMITTEE ON PAROLE

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part XI. Committee on Parole

- 713, 1901, 1902, 1903 (Last Revision 1998)

OFFICE OF THE STATE PUBLIC DEFENDER

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part XV. Public Defender Board

- 101, 103, 301-509 (Last Revision 2002)

LOUISIANA STATE POLICE

Title 55

PUBLIC SAFETY

Part I. State Police

- 701-711 (Last Revision 1984)
- 513, 551, 565 (Last Revision 1991)
- 601-613, 617 (Last Revision 1993)
- 1317, 1515, 1519, 1523-1529, 1533-1539, 1545-1549 (Last Revision 1996)
- 201-205, 209 (Last Revision 1999)
- 561, 571-577, 585-591, 1507, 1513, 2105, 2111-2115, 2301, 2305-2313, 2317-2321 (Last Revision 2000)
- 505, 2323-2701, 2707 (Last Revision 2001)
- 2303, 2315, 2720, 2723, 2727 (Last Revision 2002)
- 2740, 2741, 2743-2747 (Last Revision 2002)

OFFICE OF MOTOR VEHICLES

Title 37

INSURANCE

Part VII. Motor Vehicles

- 101 (Last Revision 1978)

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

- 309-315 (Last Revision 1979)
- 301-307, 317-321 (Last Revision 1980)
- 501 (Last Revision 1983)
- 1301-1339 (Last Revision 1985)
- 323 (Last Revision 1986)
- 121, 123 (Last Revision 1989)
- 201 (Last Revision 1991)
- 127 (Last Revision 1994)
- 137 (Last Revision 1995)
- 353, 357-363, 551-565 (Last Revision 1997)
- 100, 109, 111, 115, 125, 129-133, 171-181, 351, 355, 365, 1501-1515, 1519-1525, 1701-1715, 1901-1927 (Last Revision 1998)
- 367, 381, 385-393, 831, 835, 1517, 1527-1553, 1559-1567, 1571 (Last Revision 1999)
- 118, 135, 1929 (Last Revision 2000)
- 1101-1131, 1555, 1557, 1569, 1573, 1577 (Last Revision 2001)
- 833 (Last Revision 2002)
- 327, 383 (Last Revision 2003)

Part XI. Management and Finance

- 101, 103 (Last Revision 1993)
- 301-317 (Last Revision 1999)

OFFICE OF STATE FIRE MARSHAL

Title 55

PUBLIC SAFETY

Part V. Fire Protection

- 901-907, 2305 (Last Revision 1980)
- 2303 (Last Revision 1983)
- 105, 107, 305, 505, 511-517, 1303, 1503-1509, 1903, 2101-2301 (Last Revision 1997)
- 529-533, 537, 545, 553 (Last Revision 1998)
- 4001 (Last Revision 2002)

OFFICE OF ALCOHOL AND TOBACCO CONTROL

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

- 101-107, 111-301, 307, 311, 313 (Last Revision 1974)
- 109 (Last Revision 1993)
- 701 (Last Revision 1994)
- 501, 3105, 3111, 3113 (Last Revision 1998)
- 319 (Last Revision 1999)
- 303 (Last Revision 2001)

DEPARTMENT OF REVENUE

Title 42

LOUISIANA GAMING

Part I. Charitable Bingo, Keno, Raffle

- 1711-1719 (Last Revision 1986)
- 1705-1709, 1723-1735, 1745-1771 (Last Revision 1987)
- 1801-1821 (Last Revision 1988)
- 1701, 1742-1744, 1901-1955, 2201-2215 (Last Revision 1991)
- 1773 (Last Revision 1992)
- 1775 (Last Revision 2003)

Part V. T.V. Bingo

- 2001-3005 (Last Revision 1988)

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

- 3101 (Last Revision 1949)
- 3353 (Last Revision 1969)
- 3103, 3901 (Last Revision 1972)
- 4101-4107 (Last Revision 1973)
- 3105, 3107 (Last Revision 1975)
- 3501 (Last Revision 1979)
- 3351 (Last Revision 1982)
- 3301-3305 (Last Revision 1986)
- 901-917, 4305, 4309, 4353, 4411, 4414, 4417 (Last Revision 1987)
- 4901 (Last Revision 1989)
- 4302 (Last Revision 1992)
- 1510, 4903 (Last Revision 1993)
- 3307, 3355-3361 (Last Revision 1996)
- 2901 (Last Revision 1997)

- 201, 1901 (Last Revision 1999)
- 1303, 1902, 4905, 4911 (Last Revision 2001)
- 1301, 1505, 3363, 4908, 4913 (Last Revision 2002)

Part V. Ad Valorem Taxation

- 1303, 1903 (Last Revision 1982)
- 1901 (Last Revision 1987)
- 105, 107, 114, 115, 119, 125 (Last Revision 1989)
- 305, 501, 3303, 3305, 3309 (Last Revision 1990)
- 2701, 2901, 2905, 2909, 3505 (Last Revision 1993)
- 2903 (Last Revision 1994)
- 2709, 2715 (Last Revision 1996)
- 2301, 2303 (Last Revision 1999)

GAMING CONTROL BOARD

Title 42

LOUISIANA GAMING

Part IX. Land-based Casino Gaming

- 901-1309 (Last Revision 1993)

Part XI. Video Poker

- 2425 (Last Revision 1995)
- 2419, 2421 (Last Revision 2004)

Part XIII. Riverboat Gaming

- 101-107, 111-711 (Last Revision 1993)
- 109 (Last Revision 1995)

LOUISIANA LOTTERY CORPORATION

Title 42

LOUISIANA GAMING

Part XV. Lottery

- 101, 109-122, 125, 131-139 (Last Revision 1997)
- 301-701, 709, 711, 715-723, 901-917 (Last Revision 2000)

DEPARTMENT OF CULTURE, RECREATION AND TOURISM

Title 25

CULTURAL RESOURCES

Part I. Office of Cultural Development

- 103-121, 141-199 (Last Revision 1975)
- 901-907 (Last Revision 1980)
- 501, 503 (Last Revision 1985)
- 701-717 (Last Revision 1986)
- 301, 305 (Last Revision 1993)
- 101, 102, 123, 124 (Last Revision 1994)

Part III. Office of State Museums

- 501-505 (Last Revision 1986)

Part V. Office of Tourism

- 101-119 (Last Revision 1986)

Part VII. State Library

- 2301 (Last Revision 1974)
- 4101, 4107, 4315, 4505, 4509 (Last Revision 1982)
- 3107, 3111 (Last Revision 1998)
- 4313 (Last Revision 2002)

Part XI. Office of the Secretary

- 101 (Last Revision 1997)
- 301-309 (Last Revision 2003)

DEPARTMENT OF EDUCATION

Title 28

EDUCATION

Part VII. Tuition Trust Authority

- 111, 115, 117, 119, 121, 123, 125 (Last Revision 1997)

Part IX. Regents

- 301 (Last Revision 2002)

Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures

- 515 (Last Revision 2002)

Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act

- 1156 (Last Revision 2002)

SECRETARY OF STATE

Title 31

ELECTIONS

Part II. Voter Registration

- 301 (Last Revision 1994)
- 501-505, 701-709 (Last Revision 1994)

Part III. Procurement

- 301, 303 (Last Revision 1993)

DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

- 105, 311, 717, 719, 725, 727, 901, 1101, 1105, 1301, 1303, 1501-1901 (Last Revision 2002)
- 1401, 1403 (Last Revision 2002)
- 3901, 3907-3911 (Last Revision 1993)
- 3927, 3929 (Last Revision 1994)
- 301-373 (Last Revision 1995)
- 6901, 6903, 6907-6917, 6925 (Last Revision 1996)
- 901, 903, 1101, 1105, 1107, 1115, 1121-1149 (Last Revision 1997)
- 1301, 1303, 1309, 4709, 4713, 4715, 5101, 5105-5111, 5305-5309, 5313, 5501, 5703, 5709 (Last Revision 1998)
- 701, 703, 1415, 2007, 2301, 3701, 3707-3715 (Last Revision 1999)
- 1103, 1405, 2501, 2505, 3705, 4901, 5103, 5301, 5303, 5311-5701, 5705, 5901, 5905-5915 (Last Revision 2000)
- 101-105, 109, 1305, 2303, 2309, 4101-4105, 4719 (Last Revision 2003)
- 503-511, 3903, 6919, 6923 (Last Revision 2004)

Part III. Air

- 103, 109, 705, 707, 901, 903, 909-917, 921-925, 929, 1103, 1307, 1309, 1317, 1321, 1701-1705, 5601-5607, 5611 (Last Revision 1987)
- 203, 205, 213, 221, 1301, 1305, 1313, 1315, 5609 (Last Revision 1988)
- 2101, 2731 (Last Revision 1990)
- 2111, 2119, 2127, 2155 1991)

- 1501, 1505 (Last Revision 1992)
- 201, 511, 515, 525, 529, 927 (Last Revision 1993)
- 1401-1403, 1406-1409, 1411-1415, 2501, 2709, 2727 (Last Revision 1994)
- 1303 (Last Revision 1995)
- 107, 2109, 3001, 5907, 5913 (Last Revision 1996)
- 1311, 1405 (Last Revision 1997)
- 1109, 1431 (Last Revision 1998)
- 219 (Last Revision 1999)
- 101, 207, 1404, 2901 (Last Revision 2000)
- 2157, 2158 (Last Revision 2001)
- 2156 (Last Revision 2003)
- 527, 2104, 2149, 2151 (Last Revision 2004)

Part V. Hazardous Waste and Hazardous Materials

- 101, 103, 107, 325, 327, 505, 511, 713, 715, 1303, 1311, 1313, 1317, 1321, 1323, 1511, 1523, 1525, 2103, 2105, 2113, 2313, 2505, 2509, 2513, 2517, 2705, 2709, 2713, 2717, 2915, 3101, 3109, 3113, 3117, 3307, 3311, 3313, 3509, 3519, 3713, 4309, 4315, 4319, 4321-4335, 4341-4349, 4359-4363, 4409, 4417-4429, 4453, 4465-4469, 4473, 4483-4487, 4491, 4493, 4499, 4505, 4509, 4515-4521, 4525-4533, 4537-4543 (Last Revision 1984)
- 507, 5105, 5107, 5133 (Last Revision 1986)
- 1919 (Last Revision 1987)
- 719, 5113, 5115, 10501-10905 (Last Revision 1988)
- 4442-4445 (Last Revision 1989)
- 111, 317, 534, 707, 2111, 2703, 3201, 3305, 3709, 4322, 4471 (Last Revision 1990)
- 516, 711, 1701, 1707, 1719-1723, 1727, 1729, 1733, 4481, 4551-4559, 4563-4589 (Last Revision 1991)
- 313, 509, 1503, 1507, 1521, 2107, 2115, 3205, 3303, 3323, 3703, 4405, 4461, 4479, 4547, 4591-4601, 5103 (Last Revision 1992)
- 315, 503, 2305, 2715, 2905, 2907, 2913, 3107, 4302, 4503 (Last Revision 1994)
- 706, 721, 1801, 2304, 2503, 2507, 2801, 2804, 2904, 3021, 3705, 4011, 4015-4027, 4031, 4039, 4041, 4051, 4055-4063, 4073-4081, 4087-4093, 4369, 4455, 4470, 4476, 4502 (Last Revision 1995)
- 319, 2233, 2251, 3019, 4009, 4371 (Last Revision 1996)
- 3803, 3815-3819, 3825, 3827, 3833, 3837, 3839, 3847, 3849, 3859-3865, 3869 (Last Revision 1997)
- 521, 525-527, 531, 533, 701, 1519, 1725, 1731, 1749, 1763, 1803, 1921, 2119, 2301, 2315, 2401-2501, 2511, 2701, 2809, 2901, 2911, 2919, 3015, 3207, 3507, 3521, 3811, 3881, 4311, 4337, 4389, 4430, 4446, 4447, 4456, 4463, 4475, 4477, 4495, 4523, 4535, 4705-4721, 4725, 4729-4739, 5301-5305, 5311 (Last Revision 1998)
- 515, 528, 1735, 1743, 1757, 1761, 1765, 2218, 2255-2265, 2269, 3309, 3501, 3701, 4307, 4377, 4396, 4723 (Last Revision 1999)
- 540-560, 570-585, 595-699, 703, 717, 1533, 1535, 1753, 1759, 3322, 4305, 4306 (Last Revision 2000)
- 401-409, 3011, 3809, 4313, 10101, 10103, 10109, 10113, 10115, 10123 (Last Revision 2001)
- 2213, 2215, 2236, 2601, 2602, 2607, 4203-4209, 4213, 4215, 4219-4239, 4243, 10112 (Last Revision 2002)

- 2219, 30101, 30109, 30114, 30116, 30133, 30153-30159, 30163, 30165, 30169-30171, 30179, 30183-30187, 30200, 30202, 30206, 30208-30212, 30216, 30224, 30226, 30230, 30250, 30254, 30256, 30304-30305, 30308, 30400, 30404, 30408-30412, 30422-30426, 30430, 30436, 30438, 30450, 30501, 30503, 30507, 30551, 30555-30563, 30567, 30569, 30575, 30577, 30581-30585, 30589, 31301-31323 (Last Revision 2003)

- 2909, 4211, 30112 (Last Revision 2004)

Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation

- 101, 105-115, 203-301, 305, 401, 405, 503, 511, 513, 517, 519, 523, 601-605, 701, 703, 707, 713 (Last Revision 1999)
- 901-909, 915, 919 (Last Revision 2001)

Part VII. Solid Waste

- 10301, 10305, 10309, 10311 (Last Revision 1992)
- 10501 (Last Revision 1994)
- 10503 (Last Revision 2000)

Part IX. Water Quality

- 1901 (Last Revision 1968)
- 1501, 1503 (Last Revision 1984)
- 105, 109, 111, 305, 505, 701, 705, 707, 1305 (Last Revision 1985)
- 2117 (Last Revision 1988)
- 1103 (Last Revision 1989)
- 703, 713 (Last Revision 1991)
- 711 (Last Revision 1995)
- 1303, 10101-10107, 10111, 10113 (Last Revision 1998)
- 101, 103, 313, 317, 501, 507, 709, 1301, 1307, 1505, 1701, 10109 (Last Revision 2000)
- 319-325, 503, 2311, 2317-2323, 2503, 2507, 2509, 2513, 2517, 2519, 2527, 2705, 2711-2717, 2907-3111, 3119-3703, 3901-4503, 4507, 4711-4717, 5701-5707, 5711-5901, 5905-5909, 6101, 6103, 6107, 6119, 6127, 6131, 6133, 6301-6505, 6509-6701, 6705-7101, 7105, 7111-7115, 7123, 7125, 7129 (Last Revision 2004)

Part XI. Underground Storage Tanks

- 1109, 1127, 1141, 1501-1505 (Last Revision 1990)
- 1207 (Last Revision 1990)

Part XV. Radiation Protection

- 801, 802, 805, 1101, 1305, 1306, 1308, 1310, 1318-1322, 1324, 1326, 1330 (Last Revision 1987)
- 107, 109, 114, 199, 327, 330, 334, 350, 705, 718, 722, 724, 727, 730, 733, 734, 738, 740, 746, 749, 752, 760, 1415, 2001, 2002, 2010-2012, 2018, 2021, 2032, 2034, 2501-2503 (Last Revision 1992)
- 201-203, 404, 415, 416, 437, 451, 454, 462, 464, 466, 479, 480, 601, 901, 902, 904, 908, 909 (Last Revision 1993)
- 502, 504, 549, 586 (Last Revision 1994)
- 1401, 1402, 1406, 1419, 2512, 2513 (Last Revision 1995)
- 411 (Last Revision 1996)
- 112 (Last Revision 1997)
- 445, 452, 701, 720, 721, 753, 754, 1012, 1307, 1701, 1703, 1715-1729, 1735, 1741, 1745-1751, 1757 (Last Revision 1998)

- 105, 106, 111, 115, 206-208, 210, 302, 333, 335, 401, 402, 406, 412-414, 422, 426, 432, 450, 463, 470-478, 491, 589, 591, 702, 707, 711, 714, 776, 806, 903, 906, 910, 912, 1001, 1011, 1014, 1015, 1102, 1105, 1301, 1311-1313, 1315-1317, 1323, 1327, 1328, 1334, 1335, 1414, 1705, 1709, 1713, 1737, 1743, 1753, 2015, 2016, 2019, 2020, 2041-2043, 2505 (Last Revision 2000)
- 101, 116, 453, 505, 540, 546, 548, 585 (Last Revision 2001)
- 403, 443, 1329, 2013 (Last Revision 2002)
- 440, 441, 543, 1739, 2003, 2036, 2099 (Last Revision 2003)
- 104, 110, 341, 485-487, 492, 709, 712, 715, 716, 726, 739, 744, 745, 747, 748, 750, 751, 758, 759, 777, 1013, 2004 (Last Revision 2004)

RACING COMMISSION

Title 35

HORSE RACING

Part I. General Provisions

- 301, 303, 305, 307, 311-315, 503, 701-709, 901-907, 1101, 1301, 1305-1321, 1701, 1705, 1707, 1713, 1715, 1717, 1729, 1731, 1735, 1741, 1745-1759, 1765-1773, 1777-1785 (Last Revision 1978)
- 1789 (Last Revision 1982)
- 1501 (Last Revision 1983)
- 505, 1801 (Last Revision 1985)
- 1711 (Last Revision 1986)
- 102 (Last Revision 1987)
- 317, 319 (Last Revision 1988)
- 801-809, 1719, 1763 (Last Revision 1990)
- 1703, 1739, 1742, 1761, 1793 (Last Revision 1991)
- 1737, 1775 (Last Revision 1992)
- 1511, 1795 (Last Revision 1993)
- 1709 (Last Revision 1994)
- 1706 (Last Revision 1997)
- 1001-1009 (Last Revision 1999)
- 101, 501, 711, 909 (Last Revision 2003)

Part III. Personnel, Registration and Licensing

- 1901, 1905, 1907, 2103-5701, 5703, 5715, 5719, 5721, 5729, 5733, 5735, 5739, 5743, 5747-5755, 5757, 5759, 5761, 5763 (Last Revision 1978)
- 5725 (Last Revision 1987)
- 5765, 5757, 5769 (Last Revision 1988)
- 1903, 5727 (Last Revision 1990)
- 5716, 5717, 5731, 5741 (Last Revision 1991)
- 2101, 5702 (Last Revision 1992)
- 5711 (Last Revision 1996)
- 5737, 5738 (Last Revision 2003)

Part V. Racing Procedures

- 6301-6309, 6313-6317, 6321-6327, 6331, 6333, 6337-6349, 6355, 6363-7507, 7701, 7703, 7705-8303 (Last Revision 1978)
- 6351 (Last Revision 1983)
- 6356-6358, 6361 (Last Revision 1987)
- 7509 (Last Revision 1988)
- 6311, 6360, 7704, 8307 (Last Revision 1991)
- 6319, 6329 (Last Revision 1992)
- 6353 (Last Revision 1996)
- 8305 (Last Revision 1997)

Part VII. Equipment and Colors

- 8503-8507, 8701-8901 (Last Revision 1978)
- 8903 (Last Revision 1992)

Part IX. Weights

- 9101, 9103, 9107-9501, 9505-9705 (Last Revision 1978)
- 9502 (Last Revision 1991)
- 9503 (Last Revision 1994)

Part XI. Claiming Rules and Engagements

- 9903, 9907, 9917, 9919, 9923-9935, 9941, 9943, 10101 (Last Revision 1978)
- 9921 (Last Revision 1979)
- 9901 (Last Revision 1984)
- 9945 (Last Revision 1986)
- 9947 (Last Revision 1988)
- 9937 (Last Revision 1998)
- 9915, 9939 (Last Revision 2002)

Part XIII. Wagering

- 10301-10315, 10319-10363, 10369, 10371, 10503-10519, 10701-10709 (Last Revision 1978)
- 10711 (Last Revision 1980)
- 10373-10377 (Last Revision 1983)
- 11101-11111, 11117, 11301-11319 1985)
- 11501-11513, 11519, 11521 (Last Revision 1988)
- 11201 (Last Revision 1989)
- 10317 (Last Revision 1991)
- 10365, 10367, 10379 (Last Revision 1997)
- 10521 (Last Revision 1999)
- 11901-11915 (Last Revision 2000)
- 12001-12035 (Last Revision 2001)

Part XV. Off-Track Wagering

- 12101-12327, 12333-12339, 12343, 12347-12355, 12359-12363, 12501-12519 (Last Revision 1988)
- 12521 (Last Revision 1989)
- 12328-12332, 12341, 12365, 12701-12709 (Last Revision 1991)
- 12357 (Last Revision 1992)

Title 46

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Part XLI. Horseracing Occupations

- 101, 103, 301-311, 315-319, 501-505, 509-513, 519-529, 711-717, 721, 723, 727, 731-741, 743, 745, 903-909, 913, 915, 1101, 1103, 1111, 1113, 1117, 1301-1901, 2111 (Last Revision 1978)
- 719, 911 (Last Revision 1979)
- 105, 747 (Last Revision 1982)
- 517, 1121 (Last Revision 1983)
- 507 1987 (Last Revision 1984)
- 729 (Last Revision 1987)
- 535 (Last Revision 1988)
- 515, 2101 (Last Revision 1990)
- 707 (Last Revision 1991)
- 749 (Last Revision 1993)
- 701, 703, 901 (Last Revision 1997)
- 709 (Last Revision 1998)
- 313, 705 (Last Revision 1999)
- 1105 (Last Revision 2002)

DEPARTMENT OF INSURANCE

Title 37

INSURANCE

Part XI. Rules

- 1101-1155, 1303-1331, 1335 (Last Revision 1973)
- 1501-1507 (Last Revision 1980)
- 1701-1715 (Last Revision 1981)
- 1901-1907, 1911-1917 (Last Revision 1982)
- 305-309, 313-321 (Last Revision 1990)
- 103-129, 133, 137 (Last Revision 1991)
- 5701, 5703 (Last Revision 1958)

Part XIII. Regulations

- 6901 (Last Revision 1962)
- 7301 (Last Revision 1964)
- 7107, 7119, 7121 (Last Revision 1965)
- 7101, 7105, 7109-7117, 7123, 7125, 7501-7563 (Last Revision 1967)
- 8301-8319, 8501-8517 (Last Revision 1985)
- 1103-1135, 1501-1523 (Last Revision 1992)
- 2301-3147 (Last Revision 1994)
- 3701-3711 (Last Revision 1995)
- 3301-3323, 4113, 4119, 4121 (Last Revision 1996)
- 4501, 4509, 4701-4709, 4713, 7707, 7711, 7713 (Last Revision 1998)
- 5301-5313 (Last Revision 1999)
- 6001-6017, 8901, 8911-8915, 8919-8925, 9005, 9007, 9101-9109 (Last Revision 2000)
- 4711, 8321, 9903-9911, 9915-9949, 9955 (Last Revision 2001)
- 4103-4111, 4115, 4123, 8903, 8907, 8909 (Last Revision 2002)

WORKFORCE COMMISSION

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

- 101, 103, 111, 1501-1721, 1725-1731, 2703, 2709-2713, 2719 (Last Revision 1991)
- 701-725 (Last Revision 1992)
- 901-1105, 1107-1111, 1115-1121 (Last Revision 1993)
- 2505-2517, 2521-2533, 2539, 2599, 2905-2909, 3115, 3117, 3325, 3327, 3507-3511, 3707-3709, 3715, 3909, 4111-4119, 4311-4317, 4507-4511, 4733, 4911-4917, 5103-5111, 5115, 5119-5123, 5129-5155, 5313, 5317-5341 (Last Revision 1994)
- 1106, 1113, 1123-1131 (Last Revision 1995)
- 105, 109, 1733-1907 (Last Revision 1996)
- 1723 (Last Revision 1997)
- 5503, 5505, 5535, 5543, 5545, 5703, 5707, 5801, 5821, 5823, 5833, 5903, 5911-5921, 5931, 5941-5953, 6203, 6205, 6215, 6305, 6313, 6401, 6405, 6503, 6601, 6603, 6609, 6627, 6629, 6633-6645, 6649-6663 (Last Revision 1999)
- 6664 (Last Revision 2004)

Part III. Workers' Compensation Second Injury Board

- 103, 105, 109-131 (Last Revision 1991)
- 107, 301-307 (Last Revision 1996)

Part IV. Employment Security

- 101-107, 115-137, 305, 311, 313, 319, 327, 335, 339, 341, 345-351, 355, 361, 363, 367, 373 (Last Revision 1991)

Part VII. Conditions under Which Minor Labor May Be Used

- 101-541 (Last Revision 2004)

Part XIII. Job Training Partnership Act

- 101-173 (Last Revision 1993)

Part XV. Private Employment Services

- 101-129 (Last Revision 2002)

Part XVI. Customized Training

- 107 (Last Revision 2000)
- 103 (Last Revision 2003)
- 101, 105, 109-113 (Last Revision 2004)

Part XVII. Community Services Block Grant

- 105, 501, 505, 907, 913, 1513, 2701 (Last Revision 1991)
- 101, 103, 301-307, 503, 701, 903, 905, 909, 911, 915-1509, 1515-2503, 2901-2907 (Last Revision 1995)

Part XIX. Louisiana Workforce Commission

- 101-113 (Last Revision 1998)

DEPARTMENT OF ENERGY AND NATURAL RESOURCES

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

- 101-131, 301-309 (Last Revision 1979)
- 1701 (Last Revision 1986)
- 701-719, 729, 1505 (Last Revision 1980)
- 1901, 2101-2107, 2305-3101 (Last Revision 1995)
- 3701-3923 (Last Revision 1999)

Part III. Office of Management and Finance

- 101 (Last Revision 1993)

Part V. Office of Mineral Resources

- 201 (Last Revision 2000)

Part IX. Office of Conservation—Natural Gas Policy Act

- 101-317 (Last Revision 1980)

Part XIII. Office of Conservation—Pipeline Safety

- 103, 107-111, 313, 516, 701, 703, 901-911, 915, 925, 1101, 1111, 1115-1121, 1127-1133, 1141, 1145, 1147, 1153-1163, 1301, 1311-1315, 1325-1509, 1701, 1703, 1707-1711, 1715, 1717, 1723, 1901-1915, 1919-1923, 1927, 1929, 2101, 2105, 2109, 2111, 2115, 2119, 2121, 2123, 2127, 2129, 2131, 2135, 2139, 2141, 2301, 2309, 2311, 2315, 2501, 2503, 2505, 2507, 2701, 2709, 2714, 2721, 2723, 2727, 2729, 2901, 2903, 2905, 2907, 2909, 2913, 2915, 2917, 2919, 2921, 2925, 2931, 2936, 2941, 2947, 2949, 2951, 2953, 2955, 3101, 3103, 3107, 3301, 3305, 3315, 3319, 3347, 5107, 6101, 6105, 6109, 6301, 6303, 6307, 6309, 6313, 6315, 6501, 6502, 6509, 6511, 6515, 6517, 6519, 6921, 6523, 6531, 6533, 6535, 6537, 6539, 6541, 6543, 6545 (Last Revision 2004)

Part XV. Office of Conservation—Surface Mining

- 8101-8507, 8701-9727 (Last Revision 1986)
- 101-1103, 1301-2109, 2115-2303, 2309, 2313-2321, 2501-2535, 2539-2723, 2727, 2729, 2735-2905, 2909, 2911, 3101, 3105-3111, 3117-3125, 3301-3515, 3519, 3701, 3703, 3707, 3709, 3713, 3715, 3901-4309, 4503-5331, 5335-5409, 5415, 5421, 5427-5501, 5505, 5509-6311, 6503, 6505, 6509-6911, 6919-7103, 7107-7313 (Last Revision 1994)

- 2537, 2725, 2907, 3711, 3717, 4501, 5333, 5411, 5413, 5503, 5507, 6507, 6913-6917, 7105 (Last Revision 1998)

- 1105-1109, 2111, 2113, 2311, 2323, 2731, 2733, 3103, 3705, 5423-5425 (Last Revision 2003)

Part XVII. Injection and Mining

- 111, 115 (Last Revision 1982)
- 113 (Last Revision 1985)
- 201-215 (Last Revision 1989)
- 101-109 (Last Revision 2001)
- 3101-3141 (Last Revision 2003)

Part XIX. Office of Conservation—General Operations

- 113, 117, 125, 127, 131, 133, 139-145 (Last Revision 1943)

- 1901-1909 (Last Revision 1957)
- 105 (Last Revision 1958)
- 2101, 2103 (Last Revision 1959)
- 135 (Last Revision 1967)
- 119 (Last Revision 1969)
- 123 (Last Revision 1973)
- 901-919, 1701-1705, 2501-2705, 3301-3317, 3901-4103 (Last Revision 1993)

- 1101-1105, 3701-3709 (Last Revision 1994)
- 2901-2905 (Last Revision 1995)
- 1301-1505, 2301-2305, 3501, 3505 (Last Revision 1997)

- 4301-4505 (Last Revision 1998)
- 109 (Last Revision 1999)
- 315, 319-323, 403, 407-421, 425-431, 441, 443 (Last Revision 2000)

- 509, 513-517, 521, 527-531, 541, 543, 567, 569 (Last Revision 2001)

- 503, 505, 523, 525, 535, 555 (Last Revision 2003)
- 3101, 3103 (Last Revision 2004)

Part XXVII. State Lands

- 101, 301-1913 (Last Revision 1991)
- 2101-2501, 2901-3104 (Last Revision 1993)

Part XXIX. Oil Spill Prevention and Response

- 101-105, 111-119, 123, 127, 131-135 (Last Revision 1999)

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Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

- 101-305, 309-315, 501, 503-515, 703-903, 1307-1313, 1317-1321, 1503, 1519, 1527, 1529, 2101-2115, 2119, 2301 (Last Revision 2003)

- 317, 1903 (Last Revision 2004)

AUCTIONEER LICENSING BOARD

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part III. Auctioneers

- 315 (Last Revision 1985)
- 101, 103, 107-311, 501-901, 1115, 1701, 1901, 2101 (Last Revision 1988)

MOTOR VEHICLE COMMISSION

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part V. Automotive Industry

- 111 (Last Revision 1975)

BOARD OF BARBER EXAMINERS

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VII. Barbers

- 101-1705 (Last Revision 1991)

BOXING AND WRESTLING COMMISSION

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XI. Boxing and Wrestling

- 519 (Last Revision 1974)
- 105, 319, 330 (Last Revision 1996)

BOARD OF CERTIFIED PUBLIC ACCOUNTANTS OF LOUISIANA

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XIX. Certified Public Accountants

- 303, 307, 313-317, 707, 1905, 1907, 2101-2113 (Last Revision 2000)

BOARD OF EXAMINERS OF CERTIFIED SHORTHAND REPORTERS

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXI. Certified Shorthand Reporters

- 305, 315, 705, 707, 717, 719 (Last Revision 1983)
- 103, 313, 503-509, 701, 703, 709-713 (Last Revision 1993)
- 1107 (Last Revision 1995)
- 1101, 1105 (Last Revision 1996)
- 303 (Last Revision 2001)

BOARD OF CERTIFICATION AND TRAINING-SOLID WASTE OPERATORS

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXIII. Certified Solid Waste Operators

- 301-309, 503, 1301 (Last Revision 1984)
- 311, 509 (Last Revision 1988)
- 103, 111, 505, 925, 927, 1305 (Last Revision 1994)
- 101, 105, 109, 113, 501, 507, 901-923, 1101, 1103, 1303, 1501-1509 (Last Revision 2004)

BOARD OF SOCIAL WORK EXAMINERS

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXV. Credentialed Social Workers

- 101-109, 121, 123, 321, 323 (Last Revision 2000)
- 909, 913-917, 921, 923, 927-943 (Last Revision 2003)

BOARD OF CHIROPRACTIC EXAMINERS

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXVII. Chiropractors

- 101, 105-127, 305 (Last Revision 1976)
- 104, 303, 309, 313, 315, 503-507, 519-535 (Last Revision 1987)
- 311 (Last Revision 1989)
- 103, 302, 304, 319 (Last Revision 1992)
- 316, 317, 511, 901-917 (Last Revision 1996)

BOARD OF COSMETOLOGY

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXI. Cosmetologists

- 101, 305, 307, 319, 703, 1103, 1115, 1301-1703, 1713 (Last Revision 2003)

BOARD OF DENTISTRY

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

- 401, 407, 413, 417, 705 (Last Revision 1988)
- 601, 1001 (Last Revision 1990)
- 104, 308 (Last Revision 1992)
- 905, 913, 917, 921, 925, 927, 931, 1405 (Last Revision 1993)
- 1501, 1601 (Last Revision 1994)
- 310, 1201, 1205, 1208, 1209 (Last Revision 1995)
- 106, 708, 919 (Last Revision 1996)
- 915 (Last Revision 1997)
- 108, 112, 405, 1701, 1707 (Last Revision 1998)
- 320, 421, 901, 923, 929, 1210, 1401 (Last Revision 1999)
- 1603 (Last Revision 2000)
- 502, 503, 512, 909, 1305 (Last Revision 2001)
- 110, 113, 316, 1207, 1609, 1801-1807, 1811, 1813, 1815 (Last Revision 2002)
- 1301-1303 (Last Revision 2003)
- 1204 (Last Revision 2004)

BOARD OF DRUG AND DEVICE DISTRIBUTORS

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIV. Drug and Device Distributors

- 101, 709 (Last Revision 1992)

BOARD OF ELECTROLYSIS EXAMINERS

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXV. Electrologists

- 101, 107-111, 303-501, 505, 507, 703, 705, 709-901, 907, 911-1103, 1305, 1315, 1501, 1701-2101 (Last Revision 1993)
- 519 (Last Revision 2003)
- 903, 1401-1409 (Last Revision 2001)
- 103, 105, 301, 503, 701, 707, 905, 909, 1301, 1303, 1307-1313, 1503 (Last Revision 2004)

**BOARD OF EMBALMERS AND FUNERAL
DIRECTORS**

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXVII. Embalmers and Funeral Directors

- 101-109, 113, 303, 305, 503, 506, 507, 511, 705, 1101, 1103, 1201-1701, 1901, 2101-2105, 2303 (Last Revision 2004)

**EMERGENCY MEDICAL SERVICES
CERTIFICATION COMMISSION**

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part XXXVIII. EMERGENCY MEDICAL SERVICES
PROFESSIONALS**

- 519 (Last Revision 2003)

BOARD FOR HEARING AID DEALERS

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIX. Hearing Aid Dealers

- 103-107, 303, 305, 505-713, 1101 (Last Revision 1969)

BOARD OF HOME INSPECTORS

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XL. Home Inspectors

- 111, 301, 901-1103 (Last Revision 2000)
- 101, 131, 327 (Last Revision 2004)

**BOARD OF EXAMINERS OF INTERIOR
DESIGNERS**

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLIII. Interior Designers

- 103, 105, 111-115, 118-303, 503, 801, 806, 1105, 1107, 1202, 1301 (Last Revision 1991)
- 104, 305, 306, 1103, 1109 (Last Revision 2004)

BOARD OF MEDICAL EXAMINERS
Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLV. Medical Professions

- 101-123, 137, 147, 171, 177, 201, 209 (Last Revision 1984)
- 1901, 1905, 1909, 1911, 1915, 1937, 4901, 4905, 4913 (Last Revision 1986)
- 2901-2921, 5901, 5903, 6501, 6509, 6511, 6517-6521, 6527-6561, 8183, 8185 (Last Revision 1987)
- 9901, 9909-9913, 9927, 9929 (Last Revision 1990)
- 2301, 2311, 2337, 2351, 2363, 9903 (Last Revision 1991)
- 6701-6901, 6909-6913 (Last Revision 1992)
- 1957-1963, 1977, 1979, 3501-3507, 3511-3517, 3521-3527, 3531-3545, 4201-4219 (Last Revision 1994)
- 11101-11145 (Last Revision 1996)
- 3701-3711, 3715-3739, 3745-3761, 3765, 3767, 6903, 6907 (Last Revision 1997)
- 1359, 3741, 3763, 6523, 6525 (Last Revision 1998)
- 1501, 1511, 1515, 4503 (Last Revision 1999)
- 6915-6923 (Last Revision 2000)
- 301, 309, 313, 321, 325-351, 359, 371-383, 387-401, 425-431, 9917 (Last Revision 2001)
- 6507, 7101-7111 (Last Revision 2002)
- 1301, 1361, 1363, 1371-1397 (Last Revision 2003)
- 127, 131, 139-143, 149, 153, 173, 175, 203, 205, 221-225, 1917-1931, 3713, 3743, 7301, 7313, 7315 (Last Revision 2004)

BOARD OF PRACTICAL NURSE EXAMINERS
Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

- 309, 311, 705-709, 903, 907-913, 941, 947, 949, 1103, 1501, 1711 (Last Revision 1984)
- 905 (Last Revision 1986)
- 921, 923, 945, 1101, 1301, 1303, 1713 (Last Revision 1992)
- 308 (Last Revision 1993)
- 307 (Last Revision 1994)
- 3101, 3103, 3107, 3301, 3309-3321, 3325, 3401, 3413, 3417, 3601-3701, 3901-4301 (Last Revision 1998)
- 101, 305, 703, 953, 3337 (Last Revision 2000)
- 1707 (Last Revision 2002)
- 3307 (Last Revision 2003)
- 301, 303, 1105, 1305 (Last Revision 2004)

BOARD OF EXAMINERS OF NURSING FACILITY ADMINISTRATORS
Title 46

PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLIX. Nursing Facility Administrators

- 101, 705, 707, 901, 1104, 1113, 1303-1501, 1701 (Last Revision 1992)
- 1601 (Last Revision 1995)
- 307 (Last Revision 2000)

BOARD OF PHARMACY
Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLIII. Pharmacists

- 101, 103, 107-111, 301-341, 345-349, 353-359, 509, 511, 515, 517, 701, 1111, 1133, 1137, 1301-1305, 1511, 1515, 1521, 1523, 1709, 1715, 1723, 1901-1905, 1909-2111, 2509, 2515, 2527, 2529 (Last Revision 2004)

PLUMBING BOARD

Title 46

PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LV. Plumbers

- 903 (Last Revision 1968)
- 501, 505, 507, 703, 902 (Last Revision 1991)
- 801 (Last Revision 2000)
- 103 (Last Revision 2004)

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Title 46

PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LVI. Polygraph

- 101 (Last Revision 1994)

BOARD OF PRIVATE INVESTIGATOR EXAMINERS
Title 46

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STANDARDS

Part LVII. Private Investigator Examiners

- 101, 107, 111, 301, 503-507, 511, 513, 701, 705-719, 723-729, 901-911, 917-925 (Last Revision 1993)
- 731 (Last Revision 1995)
- 927 (Last Revision 2000)
- 103, 105, 501, 509, 512, 515, 721, 913, 915 (Last Revision 2001)
- 113 (Last Revision 2002)
- 109 (Last Revision 2004)

PRIVATE SECURITY EXAMINERS

Title 46

PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIX. Private Security Examiners

- 101 (Last Revision 1993)
- 103, 105, 401, 403, 407, 501-603, 801-811, 901, 905, 907 (Last Revision 2000)
- 703 (Last Revision 2001)

LICENSED PROFESSIONAL COUNSELORS BOARD OF EXAMINERS

Title 46

PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LX. Professional Counselors

- 105-109, 305, 311, 1307, 1313, 1319, 1325, 1503, 1701, 2701, 2707, 2701, 2703, 2707, 2901, 2903, 2909, 3501, 3907, 3911, 3913, 3919, 3923, 3925 (Last Revision 2003)

**PROFESSIONAL ENGINEERS AND LAND
SURVEYORS**

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXI. Professional Engineers and Land Surveyors

- 711, 721, 1515, 1527 (Last Revision 2004)

BOARD OF EXAMINERS OF PSYCHOLOGISTS

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXIII. Psychologists

- 101 (Last Revision 1979)
- 501, 1709, 1711 (Last Revision 1980)
- 707, 711 (Last Revision 1981)
- 1505-1513 (Last Revision 1986)
- 1707 (Last Revision 1993)
- 2101, 2105-2117 (Last Revision 1995)
- 503 (Last Revision 2001)

**RADIOLOGIC TECHNOLOGY BOARD OF
EXAMINERS**

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXVI. Radiologic Technologists

- 301, 303, 307-701, 711, 903, 1103, 1119, 1501
(Last Revision 1985)
- 703 (Last Revision 1993)
- 1219 (Last Revision 1997)

REAL ESTATE APPRAISERS BOARD

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXVII. Real Estate

- 10419-10425 (Last Revision 1999)

**BOARD OF RIVER PORT PILOT COMMISSIONERS
AND EXAMINERS**

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXX. River Pilots

- 9102, 9103, 9113, 9115, 9119-9131 (Last Revision
2002)
- 101-603 (Last Revision 2003)
- 9105 (Last Revision 2004)

BOARD OF EXAMINERS FOR SANITARIANS

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXI. Sanitarians

- 101-2301 (Last Revision 2003)

**BOARD OF EXAMINERS FOR SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY**

Title 46

**PROFESSIONAL AND OCCUPATIONAL
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Part LXXV. Speech Pathology and Audiology

- 509, 511, 513-517 (Last Revision 2004)

BOARD OF VETERINARY MEDICINE

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXXV. Veterinarians

- 805, 807, 813, 1007, 1011, 1051, 1057 (Last
Revision 1990)
- 108, 401, 407, 1003, 1023, 1031, 1033, 1049, 1055,
1065, 1203 (Last Revision 1993)
- 1005 (Last Revision 1994)
- 707, 1063 (Last Revision 1998)
- 106, 815, 1053, 1401-1425 (Last Revision 1999)
- 305, 704, 809, 1205, 1207, 1213-1225, 1500-1513,
1517, 1519 (Last Revision 2000)

**LICENSED PROFESSIONAL VOCATIONAL
REHABILITATION COUNSELORS BOARD OF
EXAMINERS**

Title 46

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STANDARDS**

Part LXXXVI. Vocational and Rehabilitation Counselors

- 101, 107, 309, 311, 315, 701, 903, 1301-1503 (Last
Revision 1989)
- 707 (Last Revision 1993)
- 501, 503, 705, 1101, 1701-1721 (Last Revision
2002)
- 703, 901, 1800, 1801 (Last Revision 2004)

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Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration, Book 1 & 2

- 101, 103, 105, 301-513, 701-1111, 1501-1513,
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4957, 4965-4969, 5501-5553, 6701, 6707, 6711, 6721-6729,
6749, 6771, 6774, -6779, 6783-6789, 6901-6947, 10101-
12301 (Last Revision 1987)
- 1301-1399 (Last Revision 1988)
- 13501-13509 (Last Revision 1992)
- 2303, 2307, 2309, 2313, 2315, 2319-2335 (Last
Revision 1993)
- 2109, 2301, 2351-2375, 2379-2430, 4907-4911,
4915-4919, 4925, 4931-4949, 4953, 4955, 4959-4963, 4971-
4983, 13701-13721 (Last Revision 1994)
- 2339-2345, 2432-2436, 2461, 2463, 8901-8913
(Last Revision 1995)
- 2305, 2438-2449 (Last Revision 1996)

- 2311, 2337, 2347, 2377 (Last Revision 1997)
- 2317, 2451-2459, 2501-2509 (Last Revision 1998)
- 1801-1811, 2349, 7513, 7525-7531 (Last Revision 1999)
- 3991-3995, 4009-4011 (Last Revision 2000)
- 7501-7511, 7515, 8401-8405, 8409, 8423-8427, 8441, 8455, 8461 (2002)
- 901 (Last Revision 1995)
- 2701-2719, 9310, 9311, 9325, 9345, 9349, 9355, 9363, 9367, 9389, 9425, 9427, 9431, 9433, 9451, 9459, 9461, 9463, 9465, 9477, 9481, 9487, 9489, 9491, 9529, 9533, 9537 (Last Revision 2003)
- 1601-1613, 8407, 8411, 8429, 8439, 8443, 8457, 8459 (Last Revision 2004)

Part V. Preventive Health Services, Book 2

- 101-703, 1701-2105, 2301-3701, 3705-3713, 5701, 6301, 6501-6903, 7105, 7501-7705, 7901, • 7903, 8101, 8105, 8307-8311, 8701-11301, 11503-11705, 11903, 12101, 12103, 12305-12311, 12503, 12701 (Last Revision 1987)
- 8303, 8305 (Last Revision 1988)
- 7101, 7103, 8103, 11501, 11709, 11901, 12301, 12303, 12501 (Last Revision 1989)
- 12901 (Last Revision 1990)
- 3703, 6001, 11707 (Last Revision 1991)
- 2211 (Last Revision 1993)
- 4901-5519, 5901, 5903, 13301, 13303 (Last Revision 1996)
- 7801-7811, 13701, 13705-15127 (Last Revision 1998)
- 11711 (Last Revision 2000)
- 7001, 7003, 7711-7719 (Last Revision 2001)
- 2201-2210, 2213, 7301-7339 (Last Revision 2002)
- 16101-16309 (Last Revision 2004)

Part VII. Alcohol and Drug Abuse Services, Book 2

- 101-117, 301-501 (Last Revision 1987)
- 715 (Last Revision 1989)
- 119, 121, 705, 711, 713, 714 (Last Revision 1991)
- 701, 703, 707, 709, 712 (Last Revision 1993)
- 901-905 (Last Revision 1997)

Part IX. Developmental Disabilities Services, Book 2

- 301-333, 501-509 (Last Revision 1987)
- 101-105, 921, 931 (Last Revision 1995)
- 511 (Last Revision 1998)
- 107 (Last Revision 2001)

Part XXV. Mergers, Acquisitions, and Re-Organization, Book 2

- 301-319 (Last Revision 1998)

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- 101-273, 303-311, 505, 507, 701-917, 923-1198 (Last Revision 1968)
- 1261-1267 (Last Revision 1975)
- 401-407 (Last Revision 1984)
- 301, 601, 1239, 1241, 1255 (Last Revision 1985)
- 1200-1237, 1243, 1245 (Last Revision 1990)
- 1246-1253 (Last Revision 1994)
- 921 (Last Revision 1996)

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- 4143, 4145, 4179, 4187, 4221, 4231-4235 (Last Revision 2003)
- 303 (Last Revision 2004)

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- 10103-10119, 10125-10135, 10139-10153, 10161-10167 (Last Revision 1996)
- 10121 (Last Revision 1997)
- 10155 (Last Revision 2003)
- 20006 (Last Revision 2004)

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- 309, 709 (Last Revision 2004)

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- 3507, 3707, 3709, 4301, 4311, 4313 (Last Revision 2002)
- 6503, 6505, 8701, 8703, 8721, 8723 (Last Revision 2003)
- 3101, 8501 (Last Revision 2004)

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PUBLIC HEALTH—SANITARY CODE

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- 103, 115, 117, 121 (Last Revision 2002)

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- 103, 119-501, 901, 903, 907 (Last Revision 2002)

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- 103, 107, 111, 115-119, 123, 303-317, 323-507, 511-703, 707, 711-1115, 1119-1311, 1315-1337, 1341-1711 (Last Revision 2002)

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- 117-121, 137, 301, 307, 309, 315, 335, 341, 345, 347 (Last Revision 2002)

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- 103, 109, 303, 307, 309, 315, 321, 323, 327-333, 339, 341, 345, 347-353, 359, 365, 369, 375-709, 909, 1107, 1109, 1121, 1131 (Last Revision 2002)
- 1110-1112, 1303-1501, 1505, 1703 (Last Revision 2004)

Part XIII. Sewage Disposal

- 301-307, 309-735, 739-1501 (Last Revision 2002)

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- 101-117, 121-133 (Last Revision 2002)
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- 301-901, 1301, 1305-1309 (Last Revision 2002)
- 1101, 1303 (Last Revision 2003)

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- 103, 301-701 (Last Revision 2002)

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- 303, 307-1107, 1111, 1113, 1117-1305, 1309, 1313-1709, 1903-1909, 2103-3117, 3301-3305, 3501, 3503, 3507-4309, 4313-4511, 4515-4521, 4701-4739 (Last Revision 2002)

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- 101, 301-315, 321-715, 719-909 (Last Revision 2002)
- 317, 319 (Last Revision 2003)

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- 101-507 (Last Revision 2002)

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- 101, 105-109 (Last Revision 2002)
- 103 (Last Revision 2003)

Part XXVII. Management of Refuse, Infectious Waste, Medical Waste, and Potentially Infectious Biomedical Waste

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- 901, 1008, 1302, 1306, 1401-1603, 1605-1607 (Last Revision 1997)
- 1301, 1311, 1802, 1804, 1805, 1904 (Last Revision 1999)
- 1304, 1903 (Last Revision 2000)

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Title 56

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Part V. Capital Area Ground Water Conservation Commission

- 903, 909, 911 (Last Revision 1997)

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- 101-1111 (Last Revision 1985)

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TRANSPORTATION AND DEVELOPMENT

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- 501-507 (Last Revision 1992)
- 301-313 (Last Revision 2000)

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- 101 (Last Revision 1984)
- 301 (Last Revision 1992)
- 501-525, 529, 533-703 (Last Revision 1994)
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- 303 (Last Revision 1997)
- 1101 (Last Revision 1998)
- 1501-1507, 1515-1709 (Last Revision 1999)

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- 301-323 (Last Revision 1975)
- 129, 131, 133, 147 (Last Revision 1976)
- 117-125 (Last Revision 1981)
- 701 (Last Revision 1993)
- 151, 153 (Last Revision 1994)
- 101, 111, 113, 501, 504, 507 (1996)
- 112 (Last Revision 2000)
- 401-409 (Last Revision 2002)

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- 101, 103, 109, 113-123 (Last Revision 1983)

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- 1103-1109, 1113, 1115 (Last Revision 1992)
- 1303, 1305 (Last Revision 1999)

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- 101, 105-301, 305, 307 (Last Revision 1979)
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- 501-721, 901, 1101, 1105, 1107, 1301-1701, 1705, 1707, 3001 (Last Revision 1996)
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- 901, 903, 909, 911, 1121, 1303, 1705, 2101, 2701-2705, 2717-2723 (Last Revision 1996)
- 1305 (Last Revision 1997)

- 1701, 1703, 2711 (Last Revision 1999)
- 3101-3115, 3501, 3507-3517 (Last Revision 2000)
- 2515, 2517 (Last Revision 2001)
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- 4101-4109, 4113-4129, 4133 (Last Revision 2004)

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**Title 58
RETIREMENT**

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- 301 (Last Revision 1985)

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- 1507, 2507 (Last Revision 1984)
- 2513, 3301, 4901 (Last Revision 1985)
- 701, 1905, 1971, 2515 (Last Revision 1986)
- 1973 (Last Revision 1988)
- 1903, 2517 (Last Revision 1989)
- 501 (Last Revision 1990)
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- 2535, 2701 (Last Revision 1992)
- 2802 (Last Revision 1994)
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- 101, 103, 901, 1506, 1901, 1939, 2532, 2541, 2542, 2575, 2576, 2754, 2755 (Last Revision 1997)
- 2511, 2520, 2525, 2533, 5101 (Last Revision 1998)
- 801, 1211, 1233, 1251, 1253, 1285, 1928, 1933, 2543, 2580, 2756 (Last Revision 1999)
- 2304, 2521, 2579, 5303, 5309, 5325, 5331-5337, 5343, 5385 (Last Revision 2000)
- 2009, 2531 (Last Revision 2001)
- 902, 2529, 5390 (Last Revision 2002)
- 2516 (Last Revision 2003)
- 1231, 1237-1243, 5701 (Last Revision 2004)

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- 4701 (Last Revision 1981)
- 4501 (Last Revision 1982)
- 303 (Last Revision 1984)
- 701-705, 709-715, 1303, 3701 (Last Revision 1991)
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- 203 (Last Revision 1995)
- 401 (Last Revision 1998)
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- 3510 (Last Revision 2001)
- 1301 (Last Revision 2002)

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- 2103, 2109 (Last Revision 1996)
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- 1301, 1507-1521 (Last Revision 2000)
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Part I. Public Funds Investments

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- 101, 105-133 (Last Revision 1978)
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- 1701 (Last Revision 1996)

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- 101 (Last Revision 1986)

Part VII. Administration

- 101-113 (Last Revision 2003)

DEFERRED COMPENSATION COMMISSION

Title 32

EMPLOYEE BENEFITS

Part VII. Public Employee Deferred Compensation

- 103, 107-111, 315, 501, 503, 507 (Last Revision 1998)

DEPARTMENT OF WILDLIFE AND FISHERIES

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies

Thereunder

- 517 (Last Revision 1985)
- 301 (Last Revision 1999)
- 305 (Last Revision 2003)

Part III. Game and Fish Preserves and Sanctuaries

- 305 (Last Revision 1975)
- 101, 103, 301, 316 (Last Revision 1977)
- 307 (Last Revision 1982)
- 318 (Last Revision 1986)
- 105 (Last Revision 1987)
- 309, 310 (Last Revision 1989)
- 107 (Last Revision 1992)
- 109, 323 (Last Revision 1995)
- 325 (Last Revision 1997)
- 331 (Last Revision 1999)
- 333 (Last Revision 2001)

Part V. Wild Quadrupeds and Wild Birds

- 103, 105, 303 (Last Revision 1988)
- 309-315 (Last Revision 1989)
- 121 (Last Revision 2002)
- 107 (Last Revision 2003)

Part VII. Fish and Other Aquatic Life

- 309 (Last Revision 1975)
- 115, 303 (Last Revision 1976)
- 305 (Last Revision 1979)
- 301 (Last Revision 1981)
- 101, 105, 119 (Last Revision 1982)
- 107 (Last Revision 1983)
- 111 (Last Revision 1984)
- 117, 139 (Last Revision 1985)
- 103, 109, 121, 141, 143, 306 (Last Revision 1986)
- 311, 313, 705 (Last Revision 1987)
- 509 (Last Revision 1988)
- 133, 135, 325 (Last Revision 1989)
- 333, 507 (Last Revision 1990)
- 147, 151-155, 339 (Last Revision 1991)
- 145 (Last Revision 1993)
- 171-175 (Last Revision 1994)
- 179 (Last Revision 1995)
- 349 (Last Revision 1997)
- 185, 201, 405, 409 (Last Revision 1998)

- 169, 187 (Last Revision 1999)
- 193, 331, 337, 345, (Last Revision 359 2000)
- 703 (Last Revision 2002)
- 519 (Last Revision 2003)
- 195, 513 (Last Revision 2004)

Part IX. Natural and Scenic River Systems

- 101, 103, 107-113, 119-127 (Last Revision 1991)

Part XI. Boating

- 101, 105-109 (Last Revision 1985)

Part XVII. Commercial Fisherman's Assistance Program

- 101, 301 (Last Revision 1998)

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#056

EXECUTIVE ORDER JML 25-39

Hiring Freeze—Executive Branch

WHEREAS, my team is working diligently to right size our State's fiscal affairs;

WHEREAS, recent budgets under the prior administration were bloated by unprecedented federal spending, which included one-time case injections for various state programs and agencies;

WHEREAS, the Five-Year Baseline Projection is commonly used to determine if the state is expected to have a surplus or fiscal shortfall in future years;

WHEREAS, on January 17, 2024, the Five-Year Baseline Projection was presented to the Joint Legislative Committee on the Budget documenting the projected revenues based on the adopted Revenue Estimating Conference forecast, the projected expenditures for the current fiscal year and the ensuing four fiscal years, and showing a budget shortfall;

WHEREAS, on October 26, 2024, I issued a call for the Legislature to convene into an Extraordinary Session to legislate relative to revenue and finance, for purposes of addressing the budget shortfall to avoid major cuts to health care for the poor, elderly, disabled, as well as significant budget reductions for state colleges and universities, and to create a methodology that would have allowed for the creation of permanent teacher and school personnel pay raises;

WHEREAS, on November 25, 2024, the Legislature by two-thirds vote of its members, in a bipartisan fashion, passed proposed revisions to La. Const. art. VII that, if ratified, would have raised revenue and addressed the fiscal shortfall. *See* Act 1 of the 2024 Third Extraordinary Session ("Amendment 2");

WHEREAS, as anticipated, on January 16, 2025, the Five-Year Baseline Projection was presented to the Joint Legislative Committee on the Budget, documenting the projected revenues based on the adopted Revenue Estimating Conference forecast, the projected expenditures for the current fiscal year and the ensuing four fiscal years, and showing a budget shortfall;

WHEREAS, the January 16, 2025, Five-Year Baseline Projection showed a shortfall of \$86,241,972 in Fiscal Year 2026-2027, growing to a shortfall of \$571,162,301 in Fiscal Year 2027-2028, and a shortfall of \$667,762,098 in Fiscal Year 2028-2029;

WHEREAS, the state budget historically requires a supplemental appropriation at the end of the fiscal year due to unforeseen expenditures related to items such as emergencies, disasters, revenue shortfalls, and increases in utilization of services above those estimated in the state budget;

WHEREAS, the December 19, 2024, adopted Revenue Estimating Conference forecast projects \$29.4 million available for Fiscal Year 2024–2025 to cover supplemental appropriation needs at the end of the fiscal year;

WHEREAS, supplemental needs to close out the current fiscal year are projected to be well beyond the \$29.4 million available due to unforeseen costs, such as the terrorist event of January 1, 2025, and the related increased costs of security for the Super Bowl and Mardi Gras, increased costs of housing state offenders, revenue shortfalls related to the Office of Motor Vehicles, and increased costs for child welfare;

WHEREAS, on March 29, 2025, Amendment 2, which would have resulted in additional revenue, was submitted to the electors of the state of Louisiana and rejected;

WHEREAS, working with the Legislature and our people to make Louisiana a growing and thriving economy is necessary, while at the same time we must continue to make significant progress toward conservative stewardship of our State's finances;

WHEREAS, the 2025-2026 Executive Budget was prepared using a standstill philosophy, removing one-time items and items identified by cabinet members as efficiencies in response to JML 24-011;

WHEREAS, to ensure the long-term fiscal health of Louisiana and protect essential services for our most valuable citizens, we must take decisive action to address revenue shortfalls;

WHEREAS, pursuant to R.S. 42:375, the governor may issue executive orders prohibiting or regulating the filling of any new or existing vacancies in positions of employment in the executive branch of state government (hereafter "hiring freeze");

WHEREAS, R.S. 39:84 provides authority to the governor to regulate and control personnel transactions; and

WHEREAS, to limit or control the growth in government positions, prudent fiscal management practices dictate that the best interests of the citizens of the state of Louisiana will be served by the implementation of a hiring freeze throughout the executive branch of state government to achieve an annualized state general fund dollar savings of twenty million dollars (\$20,000,000).

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution do hereby order and direct as follows:

Section 1: Definitions

"Executive branch" means and includes all departments, agencies, boards, commissions, and other instrumentalities declared by the constitution or laws of this state to constitute a part of the executive branch of state government and all such instrumentalities not declared by the constitution or by

law to be within the legislative or judicial branches of state government, but does not mean or include political subdivisions, as defined by La. Const. Art. VI, Sec. 44(2).

"Position of new employment" means any authorized position of employment for which a budget has been approved and an appropriation has been made or a transfer of funds effected pursuant to law, but which position has never been filled or occupied by the employment of any person.

"Vacancy" means any authorized position of employment for which a budget has been approved, and an appropriation has been made or a transfer of funds effected pursuant to law, and which position has been occupied previously but, due to termination of employment, is unoccupied.

Section 2: Regulation of Filling Vacancies in Positions of Employment

No vacancy in an existing or new position of employment within the executive branch of state government, that exists on or occurs after April 11, 2025, shall be filled or posted for filling without the express written approval of the Commissioner of Administration.

After the effective date of this Order, employee transfers, promotions, re-allocations and the creation of any new positions of employment within the executive branch of state government shall not, in any manner, increase the aggregate number of positions or Full Time Equivalents (FTE) of employment within the department, budget unit, agency, office, board, or commission within the executive branch of state government beyond the number filled as of the effective date of this Order unless otherwise authorized by the Commissioner of Administration or a mid-year budget adjustment.

The Commissioner of Administration is authorized to grant an exemption to any department, budget unit, agency, office, board, or commission in the executive branch of state government, on a case-by-case basis or by category, from all or a part of the prohibitions set forth in this Section, as he deems necessary and appropriate. Such an exemption shall be express and in writing.

The Commissioner of Administration may develop guidelines for exemption requests.

Requests for exemptions shall be submitted only by a statewide elected official, the secretary or head of a department, or the head of a budget unit, agency, office, board, or commission not within a department. Each request shall be in writing and contain a description and justification for the exemption sought.

Section 3: The Division of Administration shall submit a report to the Legislature indicating the general fund dollar savings achieved as a result of this executive order. To facilitate this report, each department, budget unit, agency, office, board, or commission shall file a report with the Division of Administration reflecting projected savings, by means of financing, that the department, budget unit, agency, office, board, or commission will generate through the implementation of this Order.

Unless otherwise modified by the Commissioner of Administration, monthly reports shall be submitted by the third working day after the last pay period of each month, beginning with the last pay period in April. The report shall reflect a full accounting of personnel changes within the

department, budget unit, agency, office, board, or commission for the reporting period covered. The report requirement details shall be developed by the Commissioner of Administration.

Section 4: The governor, in accordance with R.S. 42:375(D), may order the Commissioner of Administration to withhold allotments in the appropriate category of expenditures from which the salary or compensation of any employee employed in violation of this Order is paid in an amount equal to such compensation.

Section 5: All departments, budget units, agencies, offices, boards, commissions, entities, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of the provisions of this Order.

Section 6: This Order is effective from Wednesday, April 11, 2025, to June 30, 2025, unless it is terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 2nd day of April, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2504#057

Emergency Rules

DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Bark Beetles

(LAC 33:III.1109 and LAC 33:VII.1505) (MM023E1)

In accordance with R.S. 49:962 of the Administrative Procedure Act, which allows the Department of Environmental Quality to use emergency procedures to establish rules, and R.S. 30:2011 and 2054, which authorize the department to promulgate rules and regulations, the secretary of the department hereby declares that an emergency action is necessary to prevent imminent peril to the public health, safety, or welfare.

Executive Order JML 24-161 was issued on October 21, 2024, directing the secretary of the Department of Environmental Quality to issue an Emergency Rule to address the forest devastation caused by bark beetles in which the severe drought and subsequent wildfires have caused extensive tree loss, and the loss of between 312 and 325 million dollars to Louisiana's forestry industry that covers 15 million acres with pine trees being the main species, of which 10.8 million acres are nonindustrial-privately owned forests.

Proclamation 141 JBE 2023 declared a State of Emergency on August 11, 2023, due to the excessive heat, drought conditions, and saltwater intrusion and has been renewed and extended every 30 days through Executive Order Number JML 24-159, which expires November 17, 2024.

R.S. 30:2057 prohibits a person from discharging air contaminants into the air of this state in violation of regulations of the Department of Environmental Quality without a variance, unless statutorily exempted.

R.S. 30:2057(5)(a) already exempts the burning of trees, brush, grass, or other vegetable matter in parishes with a population of 90,000 or less when the location is outside the city limits and not adjacent to a city in such proximity that the ambient air of the city or town will be affected by smoke from the burning.

The Department of Environmental Quality is issuing an Emergency Rule providing for the application and issuance of a variance to parishes with populations greater than 90,000 and prospectively waiving the \$500 fee for all qualifying variance applications with the issuance of this Emergency Rule and also prospectively waiving the \$250 annual fee for transporters of wood waste generated by land and right-of-way clearing operations, wood chips, bark, wood refuse, wood ash, and vegetative matter resulting from land clearing operations including trees and shrubbery, leaves, limbs, stumps, and grass clippings regardless of the number of vehicles in the service of the transporter.

This Emergency Rule is effective on April 22, 2025, and shall remain in effect for the maximum period allowed under

the Act. For more information concerning MM023E1, you may contact Kyle Prestenbach with the Air Permits Division at Kyle.Prestenbach@la.gov or (225) 219-3457 or Karla Vidrine with the Waste Permits Division at Karla.Vidrine@la.gov or (225) 219-3047.

Adopted this 8th day of April 2025.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 11. Control of Emissions of Smoke

§1109. Control of Air Pollution from Outdoor Burning

A. - C.7. ...

D. Exceptions to Prohibition against Outdoor Burning. Outdoor burning of waste material or other combustible material may be conducted in the situations enumerated below if no public nuisance is or will be created and if the burning is not prohibited by and is conducted in compliance with other applicable laws and with regulations and orders of governmental entities having jurisdiction, including air control regulations and orders. The authority to conduct outdoor burning under this regulation does not exempt or excuse the person responsible from the consequences of or the damages or injuries resulting from the burning:

1. - 5. ...

6. outdoor burning, in other than rural park or rural recreation area, of trees, brush, grass, and other vegetable matter from such area in land clearing and right-of-way maintenance operations if the following conditions are met:

a. prevailing winds at the time of the burning must be away from any city or town, the ambient air of which may be affected by smoke from the burning;

b. the location of the burning must be at least 1,000 feet (305 meters) from any dwelling other than a dwelling or structure located on the property on which the burning is conducted;

c. care must be used to minimize the amount of dirt on the material being burned;

d. heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produce unreasonable amounts of smoke may not be burned; nor may these substances be used to start a fire;

e. the burning may be conducted only between the hours of 8 a.m. and 5 p.m. Piles of combustible material should be of such size to allow complete reduction in this time interval; and

f. the burning must be controlled so that a traffic hazard as prohibited by Subsection E of this Section is not created;

7. - 9.c. ...

10. in accordance with MM023E and Paragraph F of this Section, outdoor burning of trees, brush, grass, and other vegetable matter generated from 2023 drought conditions and/or insect pests in parishes having a population greater than 90,000 provided that a variance pursuant to LAC 33:III.917 is applied for and obtained from the administrative authority prior to the burning, and the burning

is conducted in accordance with the limitations set forth in LAC 33:III.1109.D.6 at the location(s) specified in the variance application, and in accordance with the following:

a. burn site activities shall occur at least 100 feet from surrounding tree lines, fire prevention measures shall be maintained, and personnel shall remain onsite until burning activities, including smoldering, are completed for the day. The local fire marshal shall be made aware of proposed burning activities prior to site activation. If a burn ban is in effect at the local and/or state level, burning of vegetative debris is prohibited;

b. ash resulting from the burning activities shall be handled or disposed of in accordance with the following limitations:

i. ash may be disposed of at a properly permitted landfill; or

ii. ash may be handled as outlined in a Best Management Practices (BMP) Plan approved through the Louisiana Department of Agriculture and in accordance with LAC 33:VII.303.A.10;

c. outdoor burning of non-listed debris streams, including painted wood, pressure-treated wood, untreated wood contaminated with petroleum-based hydrocarbons, asbestos-containing materials, and hazardous waste, is prohibited. In addition, per LAC 33:VII.315.M, open burning of solid waste is prohibited, except in accordance with R.S. 30:2001 et seq and this Section; and

d. the variance fee of \$500 pursuant to LAC 33:III.223, Table 1, Fee Number 2010 shall be waived for all qualifying variances.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1081 (October 1995), LR 24:652 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Title 33

ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 15. Solid Waste Fees

§1505. Annual Fee

A. Transporters. All transporters of solid waste shall pay a fee of \$250 per year to the department. There will be only one fee regardless of the number of vehicles in the service of the transporter.

1. In accordance with MM023E, the annual fee of \$250 shall be waived for transporters of woodwaste generated by land and right-of-way clearing operations, wood chips, bark, wood refuse, wood ash and vegetative matter resulting from land-clearing operations, including trees and shrubbery, leaves, limbs, stumps, and grass clippings regardless of the number of vehicles in the service of the transporter.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154, and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2051 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:2241 (December 2006), repromulgated LR 33:1108 (June 2007), amended LR 35:2180 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:947 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 48:1500 (June 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Aurelia S. Giacometto
Secretary

2504#018

DECLARATION OF EMERGENCY

Department of Health Office of Public Health

Regulation of Medical Marijuana (LAC 51:XXIX.Chapters 1, 5, 7, 9, 21, 23, and 25)

The Department of Health, Office of Public Health (LDH/OPH), pursuant to the emergency rulemaking authority granted by R.S. 40:4(A)(13) and R.S. 3:1483(L), hereby adopts the following Emergency Rule for the protection of public health. This Emergency Rule is effective on March 28, 2025, and is adopted in accordance with R.S. 49:962 of the Administrative Procedure Act (R.S. 49:950, et seq.).

This Emergency Rule reenacts and amends certain sections of Part XXIX of Title 51 of the *Louisiana Administrative Code* (also known as *Public Health—Sanitary Code*) and enacts a new Subpart as a consequence of changes made to medical marijuana regulations under Act No. 150 and Act No. 693 of the 2024 Louisiana Legislature. The following changes will update the language in Part XXIX to address terminology changes and alter the pesticide-testing schedule to streamline product testing and approval. The new Subpart 2. Marijuana Retailers authorizes the LDH/OPH to transition to conducting oversight of the retail distribution of medical marijuana products through the network of approved retailers. Chapter 21 provides for general requirements and definitions. Chapter 23 provides for the transfer of new LDH-issued permits for retailers that currently hold marijuana-pharmacy permits through the Board of Pharmacy as of November 2024 and application requirements for new applicants should a current permit-holder neglect to renew its existing permit. Chapter 25 provides for general operational requirements for marijuana retailers, including distribution requirements, recommendations, home-delivery services, disposal procedures for waste products, inventory control, point-of-sale tracking systems, and general design, construction, and sanitary requirements.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part XXIX. Medical Marijuana
Subpart 1. Marijuana Manufacturers

Chapter 1. General Requirements

§101. Definitions

A. Except as may be otherwise defined in any provision of this Part, and unless the context or use thereof clearly indicates otherwise, the following words and terms used in this Part of the *Sanitary Code* are defined for the purposes thereof, and for purposes of any other Parts which are adopted or may hereafter be adopted, as follows.

* * *

Licensee—as defined in R.S. 40:1046(H)(1)(a), an entity authorized by the Louisiana Department of Health to cultivate, extract, process, produce and transport therapeutic marijuana.

* * *

Permittee—Repealed.

Therapeutic Marijuana—see *Medical Marijuana*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended LR 51:

Chapter 5. Licensure

§501. Licensure of Authorized Entities

A. The department shall issue a nontransferable license to the licensees successfully completing the application process referenced in §505 of this Chapter to produce medical marijuana. Such license shall be renewable annually on July 1.

B. Only a total of two licenses may be issued for the production of medical marijuana.

C. Licensees shall comply with all applicable requirements of R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.), including payment of all fees, allowance of all inspections, and provision of all information required thereunder. Each license is subject to an annual administration fee of \$100,000.00.

D. New licenses may be issued only under the following circumstances:

1. A current licensee surrenders its active license voluntarily; or

2. A current licensee fails to renew its active license in a timely fashion. A license may only be revoked in this circumstance if the licensee fails to respond to a written notification by the department with the necessary documentation and fees within a thirty-day timeframe.

E. New licenses shall be awarded by means of a competitive bid process in accordance with the applicable provisions of the Procurement Code (R.S. 39:1551 et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2977 (December 2022), amended LR 51:

§503. Permitting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2977 (December 2022), repealed LR 51:

§505. Application Process

A. Applications for licensure shall be made using documents supplied by the department for this purpose.

B. - B.5. ...

6. a recall plan; and

7. any other information or plans required to be provided under R.S. Title 40, Chapter 4, Part X-E (R.S. 40:1046 et seq.).

C. As a condition of renewal of a license, the licensee shall supply the following additional information in writing to the department by January 10 of the renewal year:

1. - 3. ...

4. the total quantity of medical marijuana generated as a finished product within that year and the quantity distributed to each licensed marijuana retailer;

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2977 (December 2022), amended LR 51:

Chapter 7. Inspections and Operational Requirements

§701. Inspections

A. Licensed facilities require a preoperational or initial inspection and this shall follow review and acceptance of the plans required in §505. Inspections are designed to ensure the following:

1. - 9. ...

B. As a condition of its license, the licensee shall allow the State Health Officer or his/her designee(s) to review all records relevant to the operations and management of the licensed facility.

C. Routine inspections of licensed facilities to assess continued compliance shall occur no less frequently than twice per fiscal year. Complaint-based inspections may be conducted at any time during business hours and without prior notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2978 (December 2022), amended LR 51:

§703. Product and Site Security

A. Licensed facilities shall maintain an onsite security system that includes, at a minimum, the following components:

A.1. - D ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2978 (December 2022), amended, LR 51:

§705. Louisiana Medical Marijuana Tracking System

A. Licensed facilities shall possess and maintain required hardware and software to connect to the Louisiana Medical Marijuana Tracking System (LMMTS).

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2978 (December 2022), amended LR 51:

§707. Inventory Control

A. Licensed facilities shall maintain an inventory of medical marijuana, including medical marijuana waste, on their premises and update these records no less frequently than once per week.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2979 (December 2022), amended, LR 51:

§709. Toxic Chemical Use and Storage

A. Licensed facilities shall handle and store any chemicals for direct or indirect contact with medical marijuana in accordance with its written operations plan and the manufacturer's directions.

B. ...

C. Licensees shall maintain records of material safety data sheets (MSDS) for all chemicals currently in use at the facility.

D. - D.4 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2979 (December 2022), amended LR 51:

§711. Transportation of Medical Marijuana

A. Licensed facilities shall generate an inventory manifest prior to transporting any medical marijuana to a licensed marijuana retailer, laboratory, contractor or disposal site. The manifest shall include the following items:

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2979 (December 2022), amended LR 51:

§713. Sampling Requirements

A. Licensees shall sample every batch of product to ensure compliance with the standards of quality outlined below. Licensees shall not release any batch of product for sale until the representative sample has been verified as compliant. Batches may be tested prior to portioning or packaging.

B. Sample verification shall be by means of the issuance of a certificate of analysis from the approved laboratory conducting the sample analysis issued to the Louisiana Department of Health and the originating facility no later than 24 hours after testing is complete.

C. Any batch with a sample failing one or more of the tests (by exceeding allowable limits for contaminants or residues) shall be remediated or destroyed, at the option of the licensee. A batch shall only be remediated once, and if subsequent sampling fails to correct the exceedance, the affected batch shall be destroyed.

D. - E. ...

F. Medical marijuana samples shall be required to meet the following standards of quality:

1. microbiological contaminants:

a. mold/yeast <100,000 CFU/g;

1.b. - 6....

G. Table 1. Pesticide Residue Maximum Contaminant Levels (MCL) in parts per million (ppm) by dosage form

Name	Ingested	Inhaled
Abamectin	0.5	0.5
Acephate	0.4	0.4
Acetamiprid	0.2	0.2
Acequinocyl	2	2
Azoxystrobin	0.2	0.2
Bifentate	0.2	0.2
Bifenthrin	0.2	0.2
Boscalid	0.4	0.4
Carbaryl	0.2	0.2
Carbofuran	0.2	0.2
Chlorantranilprole	0.2	0.2
Chlorfenapyr	1	1
Chlorpyrifos	0.2	0.2
Clofentezine	0.2	0.2
Cyfluthrin	1	1
Cypermethrin	1	1
Daminozide	1	1
DDVP (Dichlorvos)	0.1	0.1
Diazinon	0.2	0.2
Dimethoate	0.2	0.2
Ethoprophos	0.2	0.2
Etofenprox	0.4	0.4
Etoxazole	0.2	0.2
Fenoxycarb	0.2	0.2
Fenpyroximate	0.4	0.4
Fipronil	0.4	0.4
Flonicamid	1	1
Fludioxonil	0.4	0.4
Hexythiazox	1	1
Imazalil	0.2	0.2
Imidacloprid	0.4	0.4
Kresoxim-methyl	0.4	0.4
Malathion	0.2	0.2
Metalaxyl	0.2	0.2
Methiocarb	0.2	0.2
Methomyl	0.4	0.4
Methyl parathion	0.2	0.2
MGK-264	0.2	0.2
Myclobutanil	0.2	0.2
Naled	0.5	0.5
Oxamyl	1	1
Paclobutrazol	0.4	0.4
Permethrins*	0.2	0.2
Phosmet	0.2	0.2
Piperonylbutoxide	2	2
Prallethrin	0.2	0.2
Propiconazole	0.4	0.4
Propoxur	0.2	0.2
Pyrethrins**	1	1
Pyradibin	0.2	0.2
Spinosad	0.2	0.2
Spiromesifen	0.2	0.2
Spirotetramat	0.2	0.2
Spiroxamine	0.4	0.4
Tebuconazole	0.4	0.4
Thiacloprid	0.2	0.2
Thiamethoxam	0.2	0.2
Trifloxystrobin	0.2	0.2

*Permethrins should be measured as cumulative residue of *cis*- and *trans*-permethrin isomers.

**Pyrethrins should be measured as the cumulative residue of pyrethrin 1, cinerin 1, and jasmolin 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2979 (December 2022), amended LR 51:

§715. Basic Facility Requirements

A. Licensed facilities shall provide finishes to floors, walls, and ceilings that are durable, light in color, and easily cleanable.

B. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2980 (December 2022), amended LR 51:

Chapter 9. Approved Laboratories for Testing Medical Marijuana

§901. General Requirements

A. Licensed facilities shall only utilize approved laboratories, as defined in this Section, for testing of medical marijuana.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2981 (December 2022), amended LR 51:

Subpart 2. Marijuana Retailers

Chapter 21. General Requirements

§2101. Definitions

A. Except as may be otherwise defined in any provision of this Part, and unless the context or use thereof clearly indicates otherwise, the following words and terms used in this Part of the *Sanitary Code* are defined for the purposes thereof, and for purposes of any other Parts which are adopted or may hereafter be adopted, as follows:

Authorized Clinician—licensed health professional authorized to recommend therapeutic marijuana as defined in R.S. 40: 1046.

CFR—Code of Federal Regulations

Department—herein, unless otherwise indicated, the Louisiana Department of Health.

Marijuana Product—any product containing marijuana, including raw plant material, that requires no further processing

Pharmacist—a natural person holding an active license to practice as a pharmacist issued by the Louisiana Board of Pharmacy.

Retailer—retail facility meeting the requirements of this Subpart that sells therapeutic marijuana to patients or caregivers.

Recommendation—a written or electronic communication from an authorized clinician to a retailer indicating that in the clinician's professional judgment a patient would benefit from therapeutic marijuana.

Use—to assimilate therapeutic marijuana into the body by ingestion, inhalation, topical application or any other route of administration by the patient, whether aided or unaided.

Usable Marijuana—the dried leaves and flowers of the marijuana plant, and any mixtures or preparations of such leaves and flowers that are appropriate for the therapeutic use of marijuana, but does not include the seeds, stalks, and roots of the marijuana plant.

Visiting Qualifying Patient—non-resident of the state of Louisiana or person who has been a resident for fewer than thirty days who provides a Louisiana retailer with a copy of a medical-marijuana registry card or similar credential indicating that the patient currently receives medical marijuana in another state under that jurisdiction's medical-marijuana laws and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2103. Marijuana Product Requirements

A. Retailers may only stock marijuana products obtained from in-state licensed medical marijuana manufacturing facilities. No other sources may be utilized for the supply of marijuana products to patients.

B. Retailers may distribute only the following acceptable dosage forms of formulated therapeutic marijuana to patients:

1. oils, extracts, tincture or sprays;
2. solid oral dosage forms (e.g., pills, capsules, tablets);
3. liquid oral dosage forms (e.g., solutions or suspensions);
4. gelatin- or pectin-based chewables;
5. topical creams, unguents, or lotions;
6. transdermal patches;
7. suppositories;
8. metered-dose inhalers; or
9. other forms approved by the department.

C. Retailers may also distribute edible products (intended for ingestion) and combustible forms (intended for inhalation) made from marijuana flower.

D. No therapeutic marijuana product of any kind may include or be incorporated into the following:

1. an alcoholic beverage;
2. a dietary supplement; or
3. a drug other than marijuana, cannabis extracts, or cannabis derivatives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Chapter 23. Permits

§2303. Application Requirements

A. In accordance with the statutory limits provided for in R.S. 40:1046(G), the department may issue no more than thirty permits for therapeutic marijuana retailers and their approved satellite locations.

B. Permits are not transferable to other locations or owners.

C. In the circumstance that one of the existing permit-holders for a primary retailer location or its satellite chooses to surrender that permit or the facility undergoes a change-of-ownership, an applicant may submit a packet for review to include the following:

1. A completed application form provided by the department;
2. Detailed plans of the facility, including a site plan and plumbing, electrical, mechanical, HVAC, and drainage schedules as well as a schedule of finishes for floors, walls, and ceilings in all areas; plans should include measures to

secure the area where marijuana product is being held to prevent the entry of unauthorized personnel;

3. Proposed hours of operation, anticipated staffing levels, and a list of other goods and services to be provided on the premises;

4. The name and contact telephone number and email address of the registered pharmacist designated to be available to the retailer; and

5. A notarized, sworn affidavit that the proposed location meets the separation distance requirements stipulated in R.S. 40:1040(G)(6) and that any applicable zoning requirements have been met.

D. Any plans packet that is incomplete or lacks the required supporting documentation will be returned without processing.

E. To comply with statutory population-survey requirements and as a condition of permitting, each permitted facility must supply the department with registered patient counts based on the previous 24-month period on a quarterly basis.

F. Per the provisions of R.S. 40:1046(F), each permitted facility must designate at least one registered pharmacist to be available to the primary site and its satellite locations by virtue of the pharmacist's physical presence or availability by telephone or videoconference during its hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2305. Renewal, Suspension, and Revocation

A. A marijuana retailer permit shall be subject to renewal on a calendar-year basis utilizing a form supplied by the Louisiana Department of Health.

B. Renewal packets (to include ancillary documentation required by the renewal form) must be submitted to LDH no later than December 1 to renew for the following year.

C. Permits that are not renewed by December 31 are subject to suspension until such time as the proper packet has been submitted, reviewed, and accepted by LDH.

D. Permits that have not been renewed by March 1 of the subsequent calendar year or whose holders have been documented to be in violation of any provisions of this Subpart may be subject to revocation in accordance with the applicable provisions of LAC 51:I.113.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2307. Renovations

A. Any permitted marijuana retailer that is undergoing substantial renovations (per LAC 51:I.101) must submit plans for review and approval to the Louisiana Department of Health. The department must approve the plans prior to the onset of construction/substantial renovations to the existing facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Chapter 25. Inspections and Operational Requirements

§2501. Inspections

A. Permitted facilities are required to be inspected at least once annually. Inspections are intended to verify compliance with the provisions of this Subpart, including §2511.

B. As a condition of its permit, the permittee shall allow the surgeon general or his/her designee(s) to review all records relevant to the operations and management of the permitted facility.

C. Complaint-based inspections may be conducted at any time during business hours and without prior notice to the firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2503. Product and Site Security

A. Permitted facilities shall maintain an onsite security system that includes, at a minimum, the following components:

1. secured locks on doors throughout the facility;
2. audible alarms and a system of audio and video surveillance cameras that cover points of entry and egress as well as restricted-access areas;

3. restricted-access areas denoted by suitable signage and protected by means of secured-access locks where marijuana products are held and provided to patients or caregivers. Access to areas where marijuana inventory is stored and orders are fulfilled shall meet the following requirements:

- a. be restricted to authorized personnel and not allowed to the general public;
- b. be secured by suitable physical barriers and monitored by the facility's security system;
- c. be inaccessible to any non-employee unless that person remains under the constant supervision of an employee authorized to be in the secure area.

B. The security system shall be documented in detail in the firm's security plan and subject to review during inspection by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2505. Inventory Control and Required POS (Point-of-Sale) System

A. Permitted facilities shall be required to maintain a point-of-sale software system that will interface with the Louisiana Medical Marijuana Tracking System to allow for seed-to-sale tracking of all medical marijuana transactions (including home deliveries and waste disposal) conducted at the facility.

B. The system shall be capable of documenting the amount of marijuana, dosage form, and amount provided under the active recommendation for each patient registered at the retailer.

C. Additionally, the system shall allow the agent or pharmacist to cross-reference the patient's sales history in the LMMTS. A retailer shall perform such cross-reference

prior to sale, and shall refuse a sale if necessary to ensure that no patient receives more than 71 g of raw marijuana in a 14-day period or any amount of another dosage form in excess of the authorized clinician's recommendation.

D. Retailer staff must maintain a perpetual inventory of marijuana products received, held, sold, and disposed of by the facility. Inventory reconciliations shall be conducted on at least a semi-annual (every six months) basis and documents related to reconciliations shall be maintained on the premises for at least two calendar years.

E. Retailer staff must enter information into the LMMS for new patients within 24 hours of receipt of a recommendation from an authorized clinician. The patient profile information provided must include the following elements:

1. unique patient identification number that will attach to all relevant records;
2. status of the recommendation (active or inactive);
3. recommendation start date; and
4. data on purchase limits or restrictions other than those referenced in Subsection C. above, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2507. Deliveries, Fulfillment and Labeling/Packaging Requirements

A. Retailers may refuse delivery from a manufacturing facility of marijuana products if it is determined at receiving that the product is misbranded, adulterated, expired, or otherwise in a non-saleable condition. Such refusals shall be recorded in the POS system and the Louisiana Medical Marijuana Tracking System.

B. Marijuana products may be issued by appropriate retailer staff to a patient or the patient's caregiver on the premises or by delivery to the patient's or caregiver's home address.

1. Patients or caregivers must have an authorized clinician send a paper or electronic recommendation bearing the clinician's signature directly to the retailer prior to fulfillment.

2. Recommendations must include the following information, at a minimum:

- a. the name, address, and telephone number of the authorized clinician;
- b. name, address and date-of-birth of the patient;
- c. the name of the debilitating medical condition listed in R.S. 40:1046 for which the therapeutic marijuana will act as a treatment;
- d. if applicable, a list of any dosage forms of marijuana that may be contraindicated by the patient's debilitating condition or co-morbidities;
- e. date of recommendation and an expiration date not to exceed 12 months from the date of the recommendation; and
- f. self-certification that the authorized clinician is in good standing with the relevant licensing board as specified in R.S. 40:1046(B). For nurse practitioners, the self-certification shall affirmatively state that the recommender has prescriptive authority conferred by the State Board of Nursing.

3. The retailer shall provide laboratory test results for any marijuana product available for sale to the patient upon request.

C. Deliveries must be made available upon request at least once per month per ZIP code serviced by the retailer; however, no delivery may be made outside the state of Louisiana.

D. Any marijuana product that is part of a delivery that is not completed must be returned to the retailer of origin, and if the packaging integrity cannot be verified by retailer staff, it must be disposed of by a department-approved method and that disposal documented in the firm's POS system.

E. Marijuana products, whether provided on- or off-premises, must be packaged in tightly-sealed and light-impermeable packaging.

F. Retailers may utilize a recommendation issued by an authorized clinician to supply a patient on multiple occasions with marijuana products, provided that the fulfillment is consistent with the requirements of §2505.C and that the fulfillment does not exceed the amount indicated on the recommendation or consist of a dosage form not specified under §2103.B of this Subpart.

G. As long as no marijuana product is provided to an out-of-state address, retailer staff may provide marijuana products to a visiting qualifying patient in compliance with the provisions of this Section and R.S. 40:1046.1. A retailer shall retain all documents required by R.S. 40:1046.1(C)(2) for at least three years.

H. No marijuana product may be sold by the retailer unless it bears a label including the following information:

1. the name, address, and telephone number of the retail firm;
2. the name of the authorized clinician recommending the product;
3. the name of the patient;
4. date of fulfillment;
5. transaction identification number, which shall be a unique identifier;
6. the identity of the product;
7. quantity of product in the package;
8. directions for use; and
9. expiration date, as provided by the manufacturing facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2509. Disposal of Marijuana Product Waste

A. Marijuana product in inventory that is no longer suitable for sale due to deterioration, expiration or other conditions rendering the product unsaleable shall be stored in a temporary morgue area pending disposal. Waste products may not be held on the premises longer than thirty days.

B. Waste products must be rendered into a non-usable state by grinding and mixing with non-marijuana waste products such that the end product is at least 50% non-marijuana waste by volume, and this end product may then be transported from the premises and disposed of by means of the following processes:

1. composting;
2. incineration; or
3. compaction and subsurface burial.

C. Acceptable materials for mixing include yard waste; paper or cardboard waste; plastic waste; or soil.

D. Retailer personnel must document every disposal activity in the facility's POS system, including the identifying characteristics of the waste, the quantity of waste, and the method of its disposal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2511. Basic Facility Requirements

A. Retailers shall provide and maintain finishes to floors, walls, and ceilings in all public areas that are smooth, light-in-color, durable, and easy-to-clean.

B. Retailers shall be sufficient in size to allow space for the following:

1. orderly placement of equipment and materials to minimize the possibility of contamination;
2. holding of waste products in secure storage while pending disposal;
3. storage of packages, containers, and labeling;
4. packaging and labeling operations;
5. fulfillment operations; and
6. secure storage of marijuana products pending order fulfillment.

C. Retailers shall provide lighting, ventilation, and screening (if applicable) as needed to do the following:

1. prevent contamination of products in storage with extraneous adulterants; and
2. minimize dissemination of microorganisms from one area to another.

D. Retailers shall provide locker rooms adequate for the storage of employee personal belongings.

E. Retailers shall provide a plumbing system designed and installed to meet the requirements of the Uniform Construction Code. Additionally the system shall include the following:

1. no cross-connections between any potable and non-potable water supply;
2. at least one hand lavatory in the storage/fulfillment areas equipped with hot-and-cold running water by means of a mixer-type faucet as well as adequate supplies of hand soap and paper towels and a suitable waste-receptacle located nearby.
3. at least one utility sink for the disposal of mop wastes; and
4. adequate means of sanitary disposal of wastewater.

F. Retailers shall provide adequate means of conveyance, storage, and disposal of refuse and non-medical marijuana waste products so as to minimize the development of odors, prevent waste products from becoming an attractant to and harborage for vermin, and prevent contamination of marijuana products, other products, facility surfaces, grounds, or water supplies.

G. Retailers shall provide toilet rooms as required by the Uniform Construction Code. Additionally toilet rooms shall be maintained in proper working order and in a sanitary

condition. Adequate security measures shall be put into place to prevent the use of marijuana products in toilet rooms and signage shall be provided advising that such use is prohibited by law. Toilet rooms shall be equipped with self-closing doors and shall provide signage advising employees to wash hands with soap and water after using the toilet.

H. Retailers shall be located on premises that are maintained free from the following:

1. disused equipment, waste, debris or other materials that may serve as harborage for or attractants to vermin;
2. overgrowth of vegetation;
3. poorly-drained areas; and
4. excessively-dusty areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Ralph L. Abraham, MD
Surgeon General
and
Drew P. Maranto
Interim Secretary

2504#008

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Chronic Wasting Disease Control Areas (LAC 76:V.137)

In accordance with R.S. 49:962, the Wildlife and Fisheries Commission does hereby amend the rules and regulations for Chronic Wasting Disease Control Areas by adding the Control Area map within this section due to a recent CWD confirmed case found in a harvested white-tailed deer in Catahoula Parish. The effective date of this Declaration of Emergency will be May 1, 2025 and it shall remain in effect for 180 days or until adoption of the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

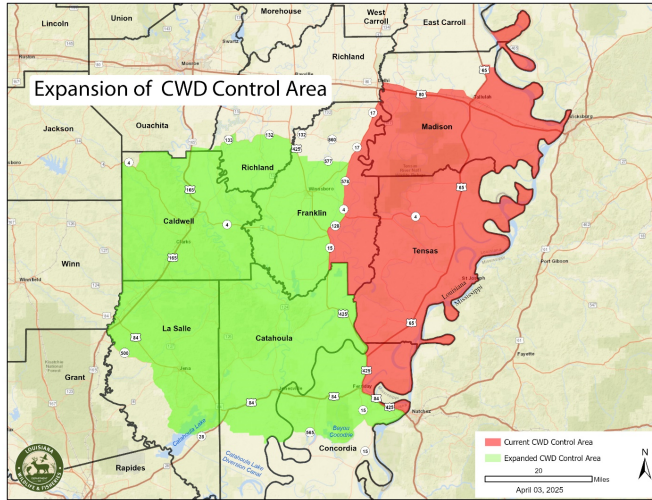
§137. Rules and Regulations for Chronic Wasting Disease Control Areas

A. Definitions

Cervid—any animal of the family *Cervidae* including, but not limited to, white-tailed deer, mule deer, elk, moose, caribou “reindeer”, fallow deer, axis deer, sika deer, and red deer.

Chronic Wasting Disease (CWD)—Neurodegenerative disease found in most deer species, including white-tailed deer, mule deer, elk, red deer, moose, and caribou. It is infectious, always fatal, and has no treatment. CWD is part of a group of diseases known as transmissible spongiform encephalopathies (TSEs) and is similar to BSE (mad cow disease) in cattle and scrapie in sheep. These diseases cause irreversible damage to brain tissue, which leads to excessive salivation, neurological symptoms, emaciation, and death of the animal.

Control Area—a designated area consisting of the CWD infectious zone and buffer zone where mitigation measures and regulations are applied to curb further spread of the disease. The control area is established and defined by the map below:



LDWF—the Louisiana Department of Wildlife and Fisheries.

B. Supplemental feeding, baiting, placement of bait, or hunting over bait is prohibited within a LDWF designated CWD control area. It is the responsibility of hunters to check their hunting area for bait prior to each hunt. A baited area is an area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attractant for wild quadrupeds or wild birds via ingestion. The use of bait

not normally ingested by deer is allowed for feral hog trapping, or by holders of bear harvest permits during the designated bear baiting period.

C. The export of any cervid carcass or part of a cervid carcass originating within a LDWF designated CWD control area is prohibited, except for: meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts, and cleaned cervid teeth.

D. Approved parts transported out of the CWD control area must be legally possessed. Approved parts must contain a possession tag with the hunter's name, address, LDWF license number, parish of harvest, date of harvest, and sex of deer. All cervid parts transported out of the control area that are in violation of the provisions of this ban shall be seized and disposed of in accordance with the Wildlife and Fisheries Commission and Department of Wildlife and Fisheries rules.

E. LDWF shall establish a permitting system to allow for uncleaned cervid heads to be transported out of the control area solely for taxidermy purposes.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 48:2190 (August 2022), amended LR 51:

Kevin Sagrera
Chairman

2504#012

Rules

RULE

Department of Civil Service Board of Ethics

Campaign Finance Complaints (LAC 52:I.709)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has adopted a Rule regarding processing Campaign Finance Disclosure Act complaints. This Rule is hereby adopted on the day of promulgation.

Title 52 ETHICS

Part I. Board of Ethics

Chapter 7. Complaints

§709. Campaign Finance Complaints

A. Except as otherwise provided in this Section, the general provisions relating to complaints shall apply to complaints filed regarding violations of the Campaign Finance Disclosure Act.

B. All complaints must be signed by the complainant and received on a form approved by the board or in a format that contains the following information:

1. the complainant's full name and mailing address.
2. an email address for the complainant, if available.
3. the identification of each person who is alleged to have violated the Campaign Finance Disclosure Act ("CFDA").
4. a clear and concise recitation of the facts describing the alleged violation of the CFDA.
5. With respect to statements made in the complaint, the complainant shall:
 - a. indicate whether the statements are based on the complainant's personal knowledge, or
 - b. include reasonable identification of the source of the information, which gives rise to the complainant's belief in the truth of the statements in the complaint.
6. all documentation in the complainant's possession that supports the facts alleged in the complaint.

C. By providing an email address, the complainant agrees to accept communications from the board via email, and all correspondence from the board to the complainant shall request confirmation of the receipt of the communication via an electronic "read receipt" to be provided by the complainant.

D. If the board's staff determines that the complaint does not substantially comply with Paragraph B of this Section, the board's staff shall send a notice within five business days after receipt of the complaint to the complainant and to each person identified in the complaint as allegedly violating the CFDA that no action shall be taken on the basis of the complaint.

E. If the board's staff determines that a complaint substantially complies with Paragraph B of this Section, within five business days after receiving the complaint, the staff shall send a notice to each person identified in the complaint as having allegedly violated the CFDA advising of the procedures in this Section.

1. The recipient of the notice sent to the person identified in the complaint as allegedly violating the CFDA shall be referred to as the "respondent."

2. The notice sent to the respondent shall include a copy of the complaint from which the board's staff has redacted any information that would identify the complainant.

3. If the respondent has provided an email address, either on a notice of candidacy or an electronic filing affidavit, the notice shall be transmitted via email to the respondent, with confirmation of receipt via a "read receipt" to be provided by the respondent.

4. Within 15 days from the receipt of the notice, the respondent shall submit a letter or memorandum stating reasons why the board should take no action, along with any reasonably necessary supporting documentation.

a. Upon receipt thereof, the complaint, the response, and any supporting documentation shall be considered by the board at its next scheduled monthly meeting, according to the public deadline on the board's website, and at which at least 2/3 of its membership is present.

b. If a response is not provided within 15 days from receipt of the notification, the complaint shall be considered by the board at its next scheduled monthly meeting, at which at least 2/3 of its membership is present.

5. After the board considers the complaint and the response, if one is filed within 15 days, as provided in Paragraph 4 of this Section, the board may take one of the following actions:

a. upon a majority vote of the board, issue a letter to the complainant and the respondent that the board found no reason to believe a violation has occurred or otherwise terminated its proceedings.

b. upon an affirmative vote of at least 2/3 of its membership, issue a letter to the respondent that it has reason to believe that the respondent has violated the CFDA by identifying the provision of the CFDA alleged to have been violated and the alleged factual basis supporting the finding, including reference to any specific transactions identified as a violation.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 51:522 (April 2025).

David M. Bordelon
Ethics Administrator

2504#007

RULE

Board of Elementary and Secondary Education

Early Childhood Centers and Providers
(LAC 28:CLXI.Chapters 15-21 and
LAC 28:CLXV.Chapters 1-5)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations* and LAC 28:CLXV *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The revisions strengthen measures designed to protect children, provide additional clarity to early learning providers, and align BESE policy with federal and state regulations. Additional revisions address parental notice and consent, CCCBC-based determinations, and health and safety, including safe sleep procedures, transportation records, and hazards to children. Further revisions address CCAP eligibility and payments. Reorganization of some information has occurred for ease of access and understanding. Codification of charts ensures ADA compliance and readability. The reorganization groups and aligns like-topics, such as general health and safety that applies to all providers and centers regulated by these bulletins. Updates also establish provisions for the administration of stock medication in accordance with Act 657 of the 2024 Regular Legislative Session. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 15. Minimum General Requirements and Standards

§1515. Child Records and Cumulative Files

A. - D. ...

E. An early learning center shall provide a written copy of all health-related policies established by the center, including policies regarding accidents, allergic reactions, fever, illness, immunizations, infection, administration of stock medication to a child believed to be having an emergency, and injuries, to the parent or guardian of each child attending or enrolled in the early learning center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40 and R.S.40:1142.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:250 (February 2018), effective March 1, 2018, LR 47:1276 (September 2021), LR 49:862 (May 2023), LR 51:523 (April 2025).

Chapter 17. Minimum Staffing Requirements and Standards

§1721. Continuing Education

A. - G. ...

1. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's

assistant, licensed pharmacist, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1277 (September 2021), LR 49:1712 (October 2023), LR 50:968 (July 2024), LR 51:523 (April 2025).

§1725. Medication Management Training

A. All staff members who administer medication shall have medication administration training.

B. ...

C. Training for medication administration shall be completed every two years with training approved by the LDOE.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018, LR 44:1866 (October 2018), LR 47:1278 (September 2021), LR 49:862 (May 2023), LR 49:1713 (October 2023), LR 51:523 (April 2025).

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1805. Persons Ineligible for Child Care Purposes

A. - C. ...

D. In addition, any owner(s) shall not have been convicted of, or pled guilty or nolo contendere to a felony, within the past 10 years, for any of the following crimes of fraud:

1. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43 and R.S. 15:587.1, 17:6, and 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018, amended LR 44:1866 (October 2018), amended LR 45:224 (February 2019), LR 47:1278 (September 2021), LR 51:523 (April 2025).

§1806. Types of CCCBC-Based Determinations of Eligibility for Child Care Purposes

A. ...

1. "owner of child care center" determinations of eligibility are required for owners; and

2. "child care staff member" determinations of eligibility are required for owners, directors and director designees of child care centers and volunteers, staff, visitors, contractors and other persons providing services in any type of child care centers when children are present.

B. A person with an "owner of child care center" determination of eligibility also has a "child care staff member" determination of eligibility.

C. For a person with a "child care staff member" determination of eligibility who wants to become an owner, the person must also obtain an "owner of a child care center" determination of eligibility before that person can become an owner of the child care center.

1. - 2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:224 (February 2019), amended LR 51:523 (April 2025).

Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards

§1907. Furnishings and Equipment

A. - E.1. ...

2. Cribs shall be free of toys, including stuffed animals, and other soft or loose bedding, including comforters, blankets, sheets, bumper pads, pillows, and wedges when the infant is in the crib. Mattresses for cribs must have a properly fitted, clean sheet.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018, LR 47:1279 (September 2021), LR 49:1714 (October 2023), LR 51:524 (April 2025).

§1909. Safe Sleep Practices

A. - H. ...

I. A safety approved crib shall be assigned to and available for each infant in care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, amended LR 44:256 (February 2018), effective March 1, 2018, LR 51:524 (April 2025).

§1917. Medication Administration

A. - L. ...

M. Stock Emergency Medications.

1. Early learning centers may have stock emergency medications.

2. Stock supply in the name of and for use by the early learning center can only be prescribed by a licensed healthcare professional authorized to prescribe said medication.

3. Life-saving emergency medications can be dispensed by a licensed pharmacist or licensed prescriber for stock supply.

4. Emergency medications are medications that can be administered to treat life-threatening conditions. Such medications may include, but are not limited to, the following:

- a. Epinephrine;
- b. Albuterol;
- c. Naloxone; and
- d. Glucagon.

5. At least one employee at each early learning center shall receive training on the use of auto-injectable epinephrine. Early learning center employees may be trained by a registered nurse, a licensed medical physician, an anaphylaxis training organization, or any other entity approved by LDH.

6. Early learning center employees may be trained on the use of other stock medications such as albuterol, naloxone, and glucagon by a medical emergency training organization, a registered nurse, or a licensed physician who

is on the LDOE registry of approved trainers on the administration of emergency stock medications.

7. Employees administering any of these emergency stock medications shall be trained annually on the following;

a. techniques on how to recognize signs of a life-threatening emergency;

b. procedures on the storage of emergency medications;

c. administration of emergency medications;

d. emergency procedures such as calling emergency medical services (EMS) immediately before or after administering a life-saving medication;

e. any protocols, including those issued by the LDH for the administration of the emergency stock medications; and

f. procedures for proper disposal of the stock emergency medications along with the means by which the medication was administered.

8. Once trained, early learning center employees can administer and must properly dispose of any stock emergency medications, upon the earlier of the prescription's usage or expiration, to a child on the premises who is experiencing a life-threatening medical emergency and has received written authorization for administration of said medication, in accordance with the protocol in the emergency medication standing order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1) and R.S.40:1142.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:639 (April 2015), effective July 1, 2015, amended LR 50:969 (July 2024), LR 51:524 (April 2025).

Chapter 21. Minimum Transportation Requirements and Standards

§2105. Field Trips

A. - E.1. ...

2. names and age range of all the children being transported in each vehicle;

3. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:642 (April 2015), effective July 1, 2015, amended LR 47:1279 (September 2021), LR 51:524 (April 2025).

Title 28

EDUCATION

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 1. Child Care Assistance Program

§103. Definitions

CCCBC—child care criminal background check.

Care for Children with Disabilities—for CCAP, child care for a child birth through age 17 who has a current individualized family services plan (IFSP) or individual education plan (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) or who receives Supplemental Security Income (SSI).

Caregiver—any person legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other person providing a residence for the child.

* * *

Criminal Background Check (CBC)—Repealed.

* * *

Excessive Unexplained Absences—Repealed.

* * *

MUP—minor unmarried parent.

Mandated Reporter—professionals who may work with children in the course of their professional duties and who consequently are required to report all suspected cases of child abuse and neglect. This includes any person who provides training or supervision of a child, such as a public or private school teacher, teacher's aide, instructional aide, school principal, school staff member, social worker, probation officer, any other child care institution staff member, licensed or unlicensed day care provider, any individual who provides such services to a child, or any other person made a mandatory reporter under *Children's Code* Article 603 or other applicable law.

Military Child Care Center—child care centers licensed by the U.S. Department of Defense.

* * *

Pathways—Louisiana early learning center career development system (LA pathways).

Protective Services—children in foster care, children who are in families under court supervision, children who are in families receiving supports or otherwise engaged with a child welfare agency, children whose family members are deemed essential workers under a governor-declared state of emergency, or children whose family has been affected by a natural disaster.

Quality Start Child Care Rating System—system designed to assess the level of quality of early care and education programs serving birth through age five, communicate the level of quality, and support improvements of child care facilities.

* * *

Special Needs Child Care—Repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:30 (January 2022), LR 48:1006 (April 2022), LR 49:1208 (July 2023), LR 50:969 (July 2024), LR 51:524 (April 2025).

Chapter 3. CCAP Provider Certification

§305. General Certification Requirements for All Child Care Providers

A. - A.1. ...

2. Email Address. Provide a current email address and notify the department immediately upon a change in such email address by updating in the designated LDOE portal;

3. Time and Attendance. Participate in the time and attendance system designated by the department and possess the minimum equipment and means necessary to operate the system, including internet access for submission of required attendance records to the LDOE;

4. Direct Deposit. Provide complete and accurate letter from bank on bank letterhead or blank, voided check

imprinted with the name, bank account, and routing number required for direct deposit;

5. ...

6. Mandatory Reporting Requirements. Comply with all mandatory reporting requirements for suspected cases of child abuse or neglect;

7. Additional Notification. Provide written notice to Provider Certification and input updates in the designated LDOE portal, of receipt or notice of, or upon becoming aware of, any of the following:

a. change in contact information, within 10 calendar days;

b. temporary closure of more than five calendar days, but fewer than 30 calendar days, within one day of closure of the site;

c. permanent closure of 30 or more calendar days of a site, within seven calendar days of the closure;

d. change of location, prior to the change; and

e. family child care providers and in-home providers shall provide updates on changes in residential household compositions, prior to the change; and

8. Additional Requirements. Meet additional requirements for the specific type of child care provider set forth in §309-317 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with 42 USC 9858 et seq., 45 CFR Parts 98 and 99, R.S. 17:407.28 and R.S. 17:407.61 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 43:1279 (July 2017), LR 51:525 (April 2025).

§309. Specific Certification and Registration

Requirements for Family Child Care Providers

A. - A.7. ...

8. - 12.d. Repealed.

13. ...

a. include the child's first and last name, arrival and departure times, date, and first and last name of person or entity to whom the child is released;

A.13.b. - 14.f. ...

15. - 15.c. Repealed

16. - 16.b. ...

17. - 18. Repealed.

19. - 19.a. ...

b. procedures for all adults living in, or working in the residence where care is provided, or working on the property where care is provided;

c. posting in a visibly accessible area all appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided; and

d. be reviewed annually for accuracy and updated as changes occur.

20. - 22. ...

23. - 23.c.iii. Repealed.

24. - 26.h. ...

i. A safety approved crib shall be assigned to and available for each infant in care.

j. Children are prohibited from sleeping in playpens or cribs with mesh sides.

k. Cribs shall be free of toys, including stuffed animals, and other soft or loose bedding, including

comforters, blankets, sheets, bumper pads, pillows, and wedges when the infant is in the crib. Mattresses for cribs must have a properly fitted, clean sheet.

27. - 30.a. ...

i. Consent to Release. Written consent shall be obtained from the parent prior to releasing any information, recordings, or photographs from which the child might be identified, except to authorized state and federal agencies. This one-time written consent shall be obtained from the parent and updated as changes occur.

ii. Confidentiality. Confidentiality and security shall be maintained for all records of children. Staff is prohibited from disclosing or knowingly permitting the disclosure of any information concerning the child or the family of the child, either directly or indirectly, to any unauthorized person.

30.b. - 31. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:2173 (December 2016), LR 43:1279 (July 2017), LR 44:258 (February 2018), effective March 1, 2018, LR 47:1280 (September 2021), LR 49:1208 (July 2023), LR 50:970 (July 2024), LR 51:525 (April 2025).

§311. Specific Certification Requirements for In-Home Child Care Providers

A. - A.6. ...

7. - 11.d. Repealed.

12. Children's Daily Attendance. A daily attendance record for children shall be maintained that shall accurately reflect children in care at any given time and shall include the child's first and last name, arrival and departure times, date, and first and last name of the person or entity to whom the child is released.

13. - 13.f. ...

14. - 14.c. Repealed.

15. - 15.b. ...

16. - 17. Repealed.

18. - 18.a. ...

b. procedures for all adults living in or working in the residence where care is provided, or working on the property where care is provided;

c. posting in a visibly accessible area all appropriate emergency phone numbers, such as fire and police, hospitals and Louisiana Poison Control, and the physical address and phone number for the residence in which care is provided; and

d. be reviewed annually for accuracy and updated as changes occur.

19. - 21. ...

22. - 22.c.iii. Repealed.

23. - 25.h. ...

i. A safety approved crib shall be assigned to and available for each infant in care.

j. Children are prohibited from sleeping in playpens or cribs with mesh sides.

k. Cribs shall be free of toys, including stuffed animals, and other soft or loose bedding, including comforters, blankets, sheets, bumper pads, pillows, and wedges when the infant is in the crib. Mattresses for cribs must have a properly fitted, clean sheet.

26. - 29.a. ...

i. Consent to Release. Written consent shall be obtained from the parent prior to releasing any information, recordings, or photographs from which the child might be identified, except to authorized state and federal agencies. This one-time written consent shall be obtained from the parent and updated as changes occur.

ii. Confidentiality. Confidentiality and security shall be maintained for all records of children. Staff is prohibited from disclosing or knowingly permitting the disclosure of any information concerning the child or the family of the child, either directly or indirectly, to any unauthorized person.

29.b. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:2174 (December 2016), LR 43:1280 (July 2017), LR 44:260 (February 2018), effective March 1, 2018, LR 47:1282 (September 2021), LR 49:1209 (July 2023), LR 50:970 (July 2024), LR 51:526 (April 2025).

§313. Specific Certification Requirements for Public School and BESE-Approved Nonpublic School Child Care Centers

A. - A.3. ...

4. - 8.e. Repealed.

9. ...

a. include the child's first and last name, arrival and departure times, date, and first and last name of person or entity to whom the child is released;

b. - 10.f. ...

11. - 11.c. Repealed.

12. - 12.b. ...

13. - 14. Repealed.

15. - 15.c. ...

d. be reviewed annually for accuracy and updated as changes occur.

16. - 17. ...

18. - 18.c.iii. Repealed.

19. - 26.a. ...

i. Consent to Release. Written consent shall be obtained from the parent prior to releasing any information, recordings, or photographs from which the child might be identified, except to authorized state and federal agencies. This one-time written consent shall be obtained from the parent and updated as changes occur.

ii. Confidentiality. Confidentiality and security shall be maintained for all records of children. Staff is prohibited from disclosing or knowingly permitting the disclosure of any information concerning the child or the family of the child, either directly or indirectly, to any unauthorized person.

26.b. - 27. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 42:2174 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, LR 47:1284 (September 2021), LR 49:1209 (July 2023), LR 50:971 (July 2024), LR 51:526 (April 2025).

§319. Child Care Provider's Ineligibility for CCAP Payments

A. A child care provider, even if certified to receive CCAP, may not receive CCAP payments for the provider's own children or other children residing in the provider's home.

1. Exception. A child care provider may receive CCAP payments for foster children in the caregiver's custody.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:6 and 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2114 (October 2015), amended LR 45:1745 (December 2019), LR 51:527 (April 2025).

§323. General Health and Safety Requirements

A. The health and safety requirements contained in this Section shall apply to any family child care provider, in-home child care provider, school child care center, or military child care center.

B. Pre-Service Orientation Training. Complete four hours of CCAP pre-service orientation training; the LDOE Key Orientation Training Modules 1, 2, and 3; infant, child, and adult CPR; pediatric first aid; and DCFS online Mandated Reporter training prior to initial certification, maintain documentation verifying completion of the training, and submit the documentation with the application for certification to the LDOE. The pre-service orientation training shall at a minimum include information on the following:

1. general emergency preparedness, including natural disasters and man-caused disasters;
2. professionalism;
3. health and safety, including daily observations, supervision regulations, daily attendance, child-to-staff ratios, improper discipline, prohibited discipline, prevention of shaken baby syndrome, prevention of abusive head trauma and child maltreatment, food safety, choking risks, and recognition and reporting of child abuse and neglect;
4. administration of medication consistent with standards for parental consent;
5. prevention and response to emergencies due to food and allergic reactions;
6. appropriate precautions in transporting children, if applicable;
7. public health policies, including prevention and control of infectious diseases and immunization information;
8. handling and storage of hazardous materials and appropriate disposal of bio-contaminants;
9. pediatric first aid and cardiopulmonary resuscitation (CPR);
10. prevention of sudden infant death syndrome and use of safe sleep practices;
11. outdoor play practices;
12. environmental safety;
13. building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic;
14. child release procedures; and
15. critical incident procedures.

C. Continuing Training.

1. Annually complete 12 clock hours of training in safety and health topics and job-related subject areas approved by the LDOE. Continuing training shall be

completed with LDOE approved trainers and may include, but is not limited to, the following topics:

- a. child development;
- b. child guidance;
- c. child abuse prevention;
- d. emergency preparation;
- e. learning activities;
- f. health and safety;
- g. shaken baby prevention;
- h. CPR;
- i. pediatric first aid;
- j. management/administrative education; or
- k. college credit hours in child care, child development, and/or early childhood.

2. Annually complete the DCFS online Mandated Reporter Training.

3. CPR. Provide documentation of current certification in infant, child, and adult CPR.

4. Pediatric First Aid. Provide documentation of current certification in pediatric first aid.

5. Documentation verifying completion of all required trainings shall be maintained onsite by the provider, whether as hard copies or in electronic form, and made available for inspection upon request by the LDOE.

6. Pre-service orientation training, infant/child/adult CPR, pediatric first aid training, and medication administration training may count as annual training requirements in the certification period in which the training is completed.

7. The three hours of training by LDOE-approved trainer on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301 shall not count towards the annual training requirements. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed nurse, licensed physician, licensed physician's assistant, licensed social worker, or licensed nutritionist who is on the LDOE registry of approved trainers.

D. Medication Administration.

1. No medication or special medical procedure shall be administered to a child unless authorized in writing by the parent.

2. Written authorization must contain explicit dosing criteria and must not simply direct "as indicated on bottle." Such authorization shall include:

- a. the name of the child;
- b. drug name and strength;
- c. date(s) to be administered;
- d. directions for use, including route (oral, topical), dosage, frequency, time and schedule, and special instructions if applicable; and
- e. signature of parent and date of signature.

3. Supplements. Children shall not be administered any form of supplements without prior written parental authorization.

E. Medication Administration Training. Provide documentation of current medication administration training. Providers may complete the approved self-paced, online training provided by the LDOE or utilize an in-person trainer. If taught in person, the training must be taught by a licensed pharmacist, licensed nurse, licensed physician,

licensed physician's assistant, licensed paramedic, or licensed EMT who is on the LDOE registry of approved trainers.

1. Training for medication administration shall be completed every two years with training approved by the LDOE.

2. Documentation of current completion of such training shall be maintained by the provider and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDOE.

F. Stock Emergency Medications.

1. Child care providers may have stock emergency medications.

2. Stock supply in the name of and for the use by the provider can only be prescribed by a licensed healthcare professional authorized to prescribe said medication.

3. Life-saving emergency medications can be dispensed by a licensed pharmacist or licensed prescriber for stock supply.

4. Emergency medications are medications that can be administered to treat life-threatening conditions. Such medications may include, but are not limited to, the following:

- a. Epinephrine;
- b. Albuterol;
- c. Naloxone; and
- d. Glucagon.

5. Provider employees may be trained on the use of auto-injectable epinephrine by a registered nurse, a licensed medical physician, an anaphylaxis training organization, or any other entity approved by LDH.

6. Provider employees may be trained on the use of other stock medications such as albuterol, naloxone, and glucagon by a medical emergency training organization, a registered nurse, or a licensed physician who is on the LDOE registry of approved trainers on the administration of emergency stock medications.

7. Employees administering any of these emergency stock medications shall be trained annually on the following;

- a. techniques on how to recognize signs of a life-threatening emergency;
- b. procedures on the storage of emergency medications;
- c. administration of emergency medications;
- d. emergency procedures such as calling emergency medical services (EMS) immediately before or after administering a life-saving medication;
- e. any protocols, including those issued by the LDH for the administration of the emergency stock medications; and
- f. procedures for proper disposal of the stock emergency medications along with the means by which the medication was administered.

8. Once trained, provider employees can administer and must properly dispose of any stock emergency medications, upon the earlier of the prescription's usage or expiration, to a child on the premises who is experiencing a life-threatening medical emergency and has received written authorization to administer said medication, in accordance with the protocol in the emergency medication standing order.

G. All staff and owners shall report any allegation or suspected abuse or neglect of a child to the Louisiana Child Protection Statewide Hotline at (855) 4LA-KIDS or (855) 452-5437. There shall not be a delay in the reporting of suspected abuse or neglect to the hotline in order to conduct an internal investigation to verify the abuse or neglect allegations, and staff shall not be required to report suspected abuse or neglect to the provider or management prior to reporting to the hotline.

H. Burn Hazards.

1. Microwave ovens, bottle warming devices and crock pots are prohibited in areas accessible to children.

2. Hot liquids shall not be consumed in the presence of children.

3. Microwave ovens shall not be used for warming bottles or infant food.

4. Children shall not be held by a staff member when the staff member is removing a bottle from a warming device.

I. Hazardous Materials and Other Items That Can Be Harmful to Children. Items such as medications, poisons, cleaning supplies and chemicals, equipment, tools, knives, and other potentially dangerous utensils that can be harmful to children shall be kept in a locked cabinet or other secure place that ensures items are inaccessible to children.

1. Plastic bags, when not in use, regardless of purpose or use, shall be made inaccessible to children.

2. Alcohol, tobacco in any form, other potentially toxic substances, fireworks and firearms, and pellet and BB guns are prohibited in areas accessible to children.

J. Building and Physical Premises. Identify and protect children from safety hazards in the residence and on the premises, such as uncovered electrical outlets, strings and cords, bodies of water, and vehicular traffic.

1. Construction, remodeling, and alterations of structures shall be done in such a manner so as to prevent hazards or unsafe conditions, such as fumes, dust, and safety hazards.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, R.S. 40:1142, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:527 (April 2025).

§325. Behavior Management

A. Behavior management requirements contained in this Section shall apply to any family child care provider, in-home child care provider, school child care center, or military child care center.

B. Provider shall develop, implement, and follow a written behavior management policy describing the methods of behavior guidance and management that shall be used at the site.

C. The behavior management policy shall prohibit:

1. physical or corporal punishment which includes but is not limited to yelling, slapping, spanking, yanking, pinching, other measures producing physical pain, putting anything in the mouth of the child, requiring a child to exercise, or placing a child in an uncomfortable position;

2. verbal abuse;

3. the threat of prohibitive action even if there is no intent to follow through with the threat;

4. being disciplined by another child, being bullied by another child, or being deprived of food or beverages;

5. being restrained in high chairs or feeding tables for disciplinary purposes; and

6. having active play time withheld for disciplinary purposes.

D. Time Out

1. Time out shall not be used for children under age two.

2. A time out shall take place within sight of staff.

3. The length of each time out shall be based on the age of the child and shall not exceed one minute per year of age.

E. The behavior management policy shall establish steps for addressing behaviors identified by the provider as dangerous and/or out of control behaviors. Suspension or expulsion should only be considered as a final action after the implementation of behavior support strategies, including at a minimum:

1. engaging parents by written communication and/or parent conference; and

2. providing a referral to EarlySteps, Child Search, and/or mental health consultant, if appropriate.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:528 (April 2025).

Chapter 5. CCAP Household Eligibility

§509. Certification Requirements for Non-Categorically Eligible Households

A. - A.3.b.v. ...

vi. Repealed.

vii. ...

viii. Repealed.

A.3.b.ix. - 4. ...

a. Exception. If a household is experiencing homelessness, the household shall have 90 calendar days from the date of its initial determination of eligibility to submit documentation supporting the initial determination of eligibility.

5. - 5.e. ...

i. To become certified as a CCAP household in accordance with this exception, the household must meet all certification requirements in this Section other than the employment and/or training activities required in this Section, and must submit all documentation establishing that the head of household is actively seeking employment and/or training.

ii. - iii. ...

iv. When a CCAP waiting list is in use, actively seeking employment status is only accepted for redetermination cases.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.28. and 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:2175 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, LR 45:900 (July 2019), LR 46:1373 (October 2020), LR 47:573 (May 2021), LR 48:31 (January 2022), LR 48:1270 (May 2022), LR 51:529 (April 2025).

§512. Redetermination of Household Certification for Non-Categorically Eligible Households

A. ...

B. Repealed.

C. The LDOE will allow a presumptive eligibility period of up to 30 days on redetermination cases, following the recertification anniversary date, which is the deadline for redetermination application.

D. A redetermination application received after the 30 days of the presumptive eligibility period will be considered a new application.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:801 (April 2018), amended LR 51:529 (April 2025).

§515. Payments Made on Behalf of Households

A. The state maximum daily rates for CCAP care for child care provider types are as follows:

1. Type III Early Learning Center.

a. Regular Care—\$31.50;

b. Regular Care for Toddlers—\$42.00;

c. Regular Care for Infants—\$68.00;

d. Special Needs Care Incentive—\$39.69;

e. Special Needs Care Incentive for Toddlers—\$52.92; and

f. Special Needs Care Incentive for Infants—\$85.68.

2. School Child Care Center.

a. Regular Care—\$24.00;

b. Regular Care for Toddlers—\$24.00;

c. Regular Care for Infants—\$24.00;

d. Special Needs Care Incentive—\$30.24;

e. Special Needs Care Incentive for Toddlers—\$30.24; and

f. Special Needs Care Incentive for Infants—\$30.24.

3. Family Child Care Provider.

a. Regular Care—\$29.00;

b. Regular Care for Toddlers—\$42.00;

c. Regular Care for Infants—\$61.00;

d. Special Needs Care Incentive—\$36.54;

e. Special Needs Care Incentive for Toddlers—\$52.92; and

f. Special Needs Care Incentive for Infants—\$76.86.

4. In-Home Provider.

a. Regular Care—\$25.00;

b. Regular Care for Toddlers—\$25.25;

c. Regular Care for Infants—\$26.65;

d. Special Needs Care Incentive—\$31.50;

e. Special Needs Care Incentive for Toddlers—\$31.82; and

f. Special Needs Care Incentive for Infants—\$33.58.

5. Military Child Care Centers.

a. Regular Care—\$31.50;

b. Regular Care for Toddlers—\$42.00;

c. Regular Care for Infants—\$68.00;

d. Special Needs Care Incentive—\$39.69;

e. Special Needs Care Incentive for Toddlers—\$52.92; and

f. Special Needs Care Incentive for Infants—\$85.68.

B. - C.3. ...

D. Automated payment for voucher seats will be made prior to provision of child care services.

E. - H.6. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:6 and 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 42:1870 (November 2016), LR 44:801 (April 2018), LR 45:1745 (December 2019), LR 47:573 (May 2021), LR 48:31 (January 2022), LR 48:1270 (May 2022), LR 50:971 (July 2024), LR 51:529 (April 2025).

Tavares A. Walker
Executive Director

2504#024

RULE

Board of Regents Office of Student Financial Assistance

Scholarship/Grant Programs
2024 COVID-19 Exceptions
(LAC 28:IV.2103)

The Board of Regents has amended its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6) (SG24215R). This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs Chapter 21. Miscellaneous Provisions and Exceptions §2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements

A. - E.13.c. ...

14. COVID-19—Fall 2020 through Summer 2022

a. Definition. The student/recipient is unable to enroll in school, to maintain continuous enrollment in school, or to earn the required annual hours due to circumstances related to the COVID-19 pandemic as follows:

- i. you struggle with on-line instruction; or
- ii. full time enrollment in on-line instruction is not conducive to your major/course of study; or
- iii. you do not have the appropriate infrastructure, such as internet access, sufficient bandwidth for the number of people attending school/working from home, etc., to attend classes on-line; or
- iv. your parent(s) were unable to work, lost their employment, or worked reduced hours due to mitigation measures implemented to prevent the spread of COVID-19.

b. Certification Requirements. The student/recipient must submit the following documentation:

- i. if requesting an exception based on Section 14.a.i. above, a letter from a parent and/or a letter from an academic advisor or dean at your school stating that you struggle with on-line enrollment; or
- ii. if requesting an exception based on Section 14.a.ii above, a letter from an academic advisor or dean at your school that full time enrollment in on-line instruction is not conducive to your major/course of study; or

iii. if requesting an exception based on Section 14.a.iii. above, a letter from a parent or other documentation that you do not have the appropriate infrastructure at home to attend courses on-line; or

iv. if requesting an exception based on Section 14.a.iv above, a letter from your parent/parents as well as a letter from their employer stating that the parent/parents were unable to work, lost their employment, or worked reduced hours due to mitigation measures implemented to prevent the spread of COVID-19.

c. Length of Exception. Available for the fall semester/quarter of 2020 through the summer semester/quarter of 2022.

15. COVID-19—Fall 2023 through Summer 2024

a. Definition. The student/recipient is unable to enroll in school, to maintain continuous enrollment in school, or to earn the required annual hours due to circumstances related to the COVID-19 pandemic as follows:

- i. You have been diagnosed with COVID-19; or
- ii. A member of your family with whom you reside has been diagnosed with COVID-19; or
- iii. You were exposed to COVID-19 and must adhere to COVID-19 quarantine protocols; or
- iv. you live with or provide care to a family member who is at risk for severe complications if they contract COVID-19.

b. Certification Requirements. The student/recipient must submit the following documentation:

i. if requesting an exception based on Section 15.a.i or ii, above, a written statement of diagnosis from a qualified health care provider or a pharmacy. If you do not have a written statement of diagnosis or the affected individual tested positive on a home COVID-19 test, you must provide a sworn affidavit from a family member other than the affected individual attesting to the positive COVID-19 test; or

ii. if requesting an exception based on Section 14.a.iii. above,

a. a sworn affidavit from you attesting that you have been exposed to COVID-19 and a copy or link to your college or university's policy regarding such exposure; or

b. documentation of a notification from a public health authority, your postsecondary institution, or other reliable source notifying you of exposure; or

iii. if requesting an exception based on Section 14.a.iv above, a letter from a qualified health care provider attesting that you live with or provide care for a family member who is at high risk for severe complications if they contract COVID-19.

a. Length of Exception. Available for the fall semester/quarter of 2023 through the summer semester/quarter of 2024.

b. In the event that there is an increase in COVID-19 positivity rates on a majority of the campuses of eligible colleges and universities such that they are required to offer instruction solely online or in a hybrid format, some or all of the requirements of §2103.E.14. may be reinstated for the time period specified in §2103.E.15.c. Reinstatement of these provisions will be communicated via bulletins to eligible colleges and universities, on LOSFA's website, and through LOSFA's social media.

F. - I.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), LR 51:530 (April 2025).

Robyn Rhea Lively
Senior Attorney

2504#002

RULE

Board of Regents Office of Student Financial Assistance

Scholarship/Grant Programs Exceptions (LAC 28:IV.2103)

The Board of Regents has amended its Scholarship/Grant rules (LSA-R.S. 17:3021-3025, LSA-R.S. 3041.10-3041.15, LSA-R.S. 17:3042.1, LSA-R.S. 17:3048.1, LSA-R.S. 17:3048.5 and LSA-R.S. 17:3048.6) (SG25219R). This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 21. Miscellaneous Provisions and Exceptions

§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements

A. - D.3. ...

4.a. - c.iii. Repealed.

E. - E.4.b.iii. ...

c. Temporary Disability—Mental Health

i. Definition. The student/recipient is receiving mental health care services.

ii. Certification Requirements. The student/recipient must submit:

(a). a completed exception request form, the reason for the disability, the necessity of withdrawing, dropping hours, etc., the semester(s) involved, and any other information or documents that may be relevant to student's request; and

(b). a written statement from a qualified professional or from a clergyman certifying the existence of an issue which requires mental health care, the dates of treatment, an opinion as to the impact of the disability on the student's ability to attend school, and a statement of when

the disability is/was affecting student's ability to attend school.

iii. Maximum length of exception—up to two full academic years.

E.5. - E.13.a.i. ...

(a). financial conditions related to a student's ability to meet his or her educational expenses are not a justified reason for failure to meet the hours or continuous enrollment requirement, because TOPS is a merit, rather than need-based award, except that the student's or their family's financial condition may be considered, provided that the student provides documentation that it was necessary that they obtain employment or increase their current work hours in order to supplement their income or their family's income and that the student provides a plan to prevent such circumstances from interfering with their ability to meet the hours or continuous enrollment requirements in the future;

E.13.a.i.(b). - I.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:5001 et seq., and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009), LR 38:3160 (December 2012), LR 41:657, 667 (April 2015), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:562 (March 2018), LR 45:1173 (September 2019), amended LR 47:862 (July 2021), LR 47:867 (July 2021), amended LR 47:871 (July 2021), LR 48:2731 (November 2022), LR 49:54 (January 2023), LR 49:1211 (July 2023), LR 51:531 (April 2025).

Robyn Rhea Lively
Senior Attorney

2504#003

RULE

Department of Health Board of Examiners of Psychologists

Applications for Licensed Specialist in School Psychology and LSSP Committee Composition (LAC46:LXIII.3100, 3101, 3202, 3300, and 3301)

Notice is hereby given pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with the Louisiana Licensing Law for Psychologist 37:2353.C(1), 37:2354B(3), 37:2356.1, 37:2356.3 and Section 1. Chapter 1-E of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:51 through 59, that the Board of Examiners of Psychologists ("board") has repealed §3101, added §3100, amended §3202, repealed §3301, and added §3300 related to

definitions, application processes to allow for legacy, reciprocal and endorsement licensing for Licensed Specialist in School Psychology (“LSSP”); and to the broaden the inclusiveness of LSSP’s on the LSSP Advisory Committee. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIII. Psychologists

Subpart 2. Licensed Specialists in School Psychology

Chapter 31. Definitions

§3100. General Definitions

The following terms are defined for the purposes of this Subpart:

A. *Academic Year*—a school year as defined by the school calendar in the district of practice.

B. *Applicant*—a person who submits to the board the required application fee and the complete prescribed application as set forth herein. Applicant status shall not be used for professional representation.

1. *New Applicant*—an applicant who is seeking licensure as a Specialist in School Psychology but does not meet the criteria of a legacy applicant, military applicant, or reciprocity applicant. New Applicants must apply using the full application process.

2. *Legacy Applicant*—an applicant who has been employed by a Local Educational Agency (LEA) under the jurisdiction of the Louisiana Board of Education/Department of Education between the period July 1, 2015 to June 30, 2025, and has held certification as a “certified school psychologist” between the period July 1, 2015 to June 30, 2025, and meets the qualifications for licensure under Chapter 33 of this Subpart.

3. *Military Applicant*—an applicant who is a member of the U.S military on active duty in Louisiana, including their spouses, or dependents, as defined by R.S. 37:3651.

4. *Reciprocity Applicant*—an applicant who holds an equivalent active license in good standing in a reciprocal state and meets the requirements set forth in Chapter 33 of this Subpart.

5. *Reinstatement Applicant*—an applicant who has previously held a license, in good standing with the Board, as a Specialist in School Psychology.

C. *Board*—the Louisiana State Board of Examiners of Psychologists.

D. *Certified School Psychologist*—a person who has completed a school psychology training program that meets the National Association of School Psychologists’ requirements, has a graduate or specialist degree from a regionally accredited institution, and holds an ancillary certificate in school psychology as a “certified school psychologist” in good standing from the Louisiana Department of Education or has held an ancillary certificate in school psychology or as a “certified school psychologist” between the period July 1, 2015 to June 30, 2025.

E. *Nationally Certified School Psychologist Examination*—the examination approved by the Board to assess the knowledge and skills of individuals seeking licensure as a specialist in school psychology pursuant to this Part, is the Praxis School Psychology Examination administered by Educational Testing Service’s (ETS). The passing score for the Praxis School Psychology Examination

shall be the recommended passing score set by ETS. The Examination for Professional Practice in Psychology (EPPP) may be substituted for the Praxis School Psychology Examination. The passing score for the EPPP for independent practice at a specialist level shall be 450.

F. *Licensed Specialist in School Psychology*—a person who has been issued a license to practice as a specialist in school psychology pursuant to this Part.

G. *Specialist in School Psychology*—see the definition for a *licensed specialist in school psychology*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354, 37:2356.3 and 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 51:532 (April 2025).

§3101. Definition of Board

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2621 (December 2015), repealed LR 51:532 (April 2025).

Chapter 32. Licensed Specialist in School Psychology Advisory Committee

§3202. Construction, Function and Responsibilities of Advisory Committee

A. ...

B. *Composition*. The committee shall be comprised of four members, consisting of:

1. one member that is a licensed school psychologist licensed under the LSBEP who meets all requirements as determined by the Board, selected from a list of self-nominations submitted to the board;

2. one member that is a licensed specialist in school psychology licensed under LSBEP who meets all requirements as determined by the Board, selected from a list of self-nominations submitted to the board;

3. one member that is either a licensed school psychologist licensed under the LSBEP or a licensed specialist in school psychology licensed under LSBEP who meets all requirements as determined by the Board, selected from a list of self-nominations submitted to the board; and

4. the board’s executive director as the ex-officio, non-voting member.

C. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353 and 37:2357.

HISTORICAL NOTE: Promulgated by Health and Hospitals, Board of Examiners of Psychologists, LR 41:2621 (December 2015), amended LR 51:532 (April 2025).

Chapter 33. Definition of Applicant Application for Licensure as a Specialist in School Psychology

§3300. Application Requirements; Applicant Status; Initial Licensure

A. Applicant status shall not be used for professional representation

B. All applicants applying under the provisions of this Section shall submit to the board the required application fee and the complete prescribed application which includes evidence that the person:

1. is at least 21 years of age;

2. is of good moral character;

3. is a citizen of the United States or has declared his intention to become a citizen. A statement by the person under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make such application shall be sufficient proof of compliance with the requirement of this Paragraph;

4. holds a graduate degree or specialist degree from a National Association of School Psychologists (NASP) approved or accredited program, or an equivalent certificate from a university offering a full-time graduate course of study in school psychology defined in Chapter 34 of this Subpart;

5. demonstrates professional knowledge of the laws and rules regarding the practice of psychology in Louisiana by passing the Louisiana Jurisprudence Examination prior to the issuance of a Louisiana license;

6. completes a criminal background check as prescribed by the board, including submitting such number of full sets of fingerprints or other identifiable information, and payment of any fees and costs as may be incurred by the board in requesting or obtaining criminal history record information as authorized by R.S. 37:2372.1. The results of the criminal history record information search must be obtained, reviewed and considered acceptable by the board prior to licensure;

7. is not in violation of any of the provisions of this Chapter or the rules and regulations adopted by the board; does not have any pending complaints; is not the subject of a current investigation; does not have current or prior disciplinary action by a professional board, certifying agency, Board of Education, Department of Education, or LEA; and has not been found guilty of or settled a claim for malpractice or negligence when the subject matter of such is related in any way to the practice of school psychology.

C. The board may, at its discretion, require a meeting with the applicant to review and verify his/her satisfactory character, current fitness, plans to practice, and specialty declaration prior to the issuance or denial of a license pursuant to this Chapter or any of the laws, rules or regulations governing the practice of a specialist in school psychology.

D. In addition to satisfying the requirements set forth in Part B of this Section, an applicant shall qualify for licensure as a Specialist in School Psychology under one of the following provisions:

1. Full Application. A new applicant shall provide proof of one of the following:

a. holds a current National Certification in School Psychology issued by the National School Psychology Association; or,

b. has successfully completed the following:

i. an acceptable internship of at least 1200 hours and nine months in duration, conducted under the supervision of a certified school psychologist in a school setting or by a licensed psychologist in a community setting. Of the 1200 hours, 600 hours shall be completed in a school setting;

ii. three years of supervised experience as a certified school psychologist within the public school system. One year of full-time employment or experience, obtained as part of an acceptable internship as defined by the board under §3403 of this Title, may be applied toward the

three years of required supervision. Such experience must be obtained within one academic year, in a public school system; and., Such “academic year” shall be defined by the school calendar in the district of practice; and

iii. passing scores on the nationally certified school psychologist examination.

2. Legacy Application. A legacy applicant shall provide proof of the following:

a. held an ancillary certificate in school psychology or as a “certified school psychologist” from the Louisiana Department of Education as a “certified school psychologist” between the period July 1, 2015 to June 30, 2025; and

b. was employed between the period of July 1, 2015 to June 30, 2025 by a Local Educational Agency (LEA) under the jurisdiction of the Louisiana Board of Education/Department of Education.

3. Reciprocity Applications. A Reciprocity Applicant shall provide proof of either:

a. Interjurisdictional License

i. A reciprocity applicant shall provide proof of current licensure, in good standing as a Specialist in School Psychology by another member jurisdiction of the Association of State and Provincial Psychology Boards (ASPPB) for five years.

b. licensure by endorsement pursuant to the Welcome Home Act

i. A Reciprocity Applicant who is relocating to and will reside in Louisiana, shall provide proof that the applicant meets the requirements set forth in La. R.S. 37:51 et. seq., the Welcome Home Act, which requirements include, but are not limited to, current licensure or certification, in good standing, as a Specialist in School Psychology or as a certified school psychologist by another member jurisdiction of the Association of State and Provincial Psychology Boards (ASPPB) for one year and proof of residency in Louisiana.

4. Military Application. A military applicant shall be:

a. considered for a Temporary Registration pursuant to the provisions of Section 1003. Military Applicants, of Subpart 1 of Part LXIII. Psychologists;

b. evaluated for full licensure and processed in accordance with applicable sections of R.S. 37:3651.

E. An applicant who is denied licensure by the board based on the evidence submitted as required under this Chapter may reapply to the board after two years have elapsed, and having completed additional training meeting the requirements of the law and as defined in the rules and regulations adopted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353, 37:2354 and 37:2356.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 51:532 (April 2025).

§3301. Definition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 41:2621 (December 2015), amended by the Department of Health, Board of Examiners of Psychologists, LR 43:1174 (June 2017), repealed LR 51:533 (April 2025).

RULE

**Department of Health
Health Standards Section**

Behavioral Health Service Providers
Licensing Standards
(LAC 48:I.5603, 5617, and 5637)

The Department of Health, Health Standards Section (the department), has amended LAC 48:I.5603, §5617, and §5637 as authorized by R.S. 36:254 and R.S. 40:2151-2161. This Rule has been promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 56. Behavioral Health Service Providers

Subchapter A. General Provisions

§5603. Definitions

* * *

Clinically Managed Low Intensity Residential Treatment Services (ASAM Level 3.1)—a residential program that offers at least five hours a week of a combination of low-intensity clinical and recovery-focused services for substance-related disorders. Services may include individual, group and family therapy, medication management and medication education, and treatment is directed toward applying recovery skills, preventing relapse, improving emotional functioning, promoting personal responsibility and reintegrating the client into the worlds of work, education, and family life.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:587 (April 2020), LR 48:1277 (May 2022), LR 48:2755 (November 2022), LR 50:394 (March 2024), amended by the Department of Health, Health Standards Section, LR 51:534 (April 2025).

Subchapter B. Licensing

§5617. Deemed Status

A. - B.3. ...

C. If deemed status is approved, accreditation may be accepted as evidence of satisfactory compliance with this Chapter in lieu of conducting periodic re-licensure surveys.

D. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1692 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1381 (July 2017), amended by the Department of Health, Health Standards Section, LR 51:534 (April 2025).

Subchapter D. Provider Operations

§5637. Client Records

A. - A.15. ...

B. Contents. The provider shall ensure that a client record, at a minimum, contains the following:

1. - 2. ...

3. all pertinent medical, psychological, social and other therapeutic information, including:

a. - n. ...

o. discharge summary;

p. documents, records, photos, testimonials, and other significant health-related collateral information provided by a client's family member, caregiver, friend, or healthcare professional, except in the event the healthcare professional or healthcare provider believes that acceptance and inclusion of the information in the medical record is not relevant to the client's care or treatment; and

q. other pertinent information related to client as appropriate.

4. - 4.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1697 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:534 (April 2025).

Drew P. Marnato
Interim Secretary

2504#038

RULE

**Department of Health
Health Standards Section**

Behavioral Health Service Providers
Licensing Standards
(LAC 48:I.Chapters 56 and 57)

The Department of Health, Health Standards Section (the department) has amended LAC 48:I.Chapter 56 and has adopted §5612 and §5735 as authorized by R.S. 36:254 and R.S. 40:2151-2161. This Rule has been promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 56. Behavioral Health Service Providers

Subchapter A. General Provisions

§5603. Definitions

* * *

Mobile Dosing Unit—a mobile unit that is established as part of, but geographically separate from, an opioid treatment program (OTP) parent facility from which appropriately licensed practitioners may dispense or administer medications for opioid use disorder or collect samples for drug testing or analysis.

* * *

OTP Practitioner—a physician, advanced practice registered nurse, nurse practitioner, or physician assistant who is currently licensed and in good standing to prescribe and/or dispense medications for opioid use disorders, and who is acting within the scope of all applicable state and federal laws and the individual’s professional license.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:587 (April 2020), LR 48:1277 (May 2022), LR 48:2755 (November 2022), LR 50:394 (March 2024), amended by the Department of Health, Health Standards Section, LR 51:535 (April 2025).

Subchapter B. Licensing

§5612. Change in License by Addition or Deletion of Services

A. Addition of Services to an Existing Behavioral Health Service Provider (BHSP) License

1. A BHSP with an active BHSP license, current and in good standing, may submit a request to add a service. The following information shall be submitted for consideration of this request:

- a. letter of intent;
- b. a completed BHSP license application that has add a service clearly marked;
- c. a facility need review approval letter, if applicable; and
- d. applicable nonrefundable fee for issuance of the new BHSP license.

B. Deletion of Services from an Existing BHSP License

1. A BHSP with an active BHSP license may submit a request to delete a service. The following documentation shall be submitted for consideration of this request:

- a. letter of intent;
- b. a completed BHSP license application that has delete a service clearly marked; and
- c. applicable nonrefundable fee for issuance of the new BHSP license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 51:535 (April 2025).

Subchapter I. Physical Environment

§5670. Mobile Units

A. - D. ...

NOTE: Repealed.

E. Only local governing entities (LGEs) and OTPs shall be authorized to be licensed as mobile units.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1284 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:535 (April 2025).

Subchapter O. Additional Requirements for Opioid Treatment Programs

§5725. Treatment

A. Client Admission Criteria. The program shall only admit clients that:

1. ...

2. meet the federal requirements regarding the determination that the client is currently addicted to opiates;

3. are verified by an OTP practitioner that treatment is medically necessary;

4. have had a complete physical evaluation by the client’s or program’s OTP practitioner before admission to the opioid treatment program; and

5. have had a full medical exam, including results of serology and other tests, completed within 14 days of admission.

6. Repealed.

B. - C.5. ...

D. Physical Evaluations/Examinations. The provider shall ensure that each client has a documented physical evaluation and examination by an OTP practitioner as follows:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1721 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1288 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:535 (April 2025).

§5727. Additional Staffing Requirements

A. - A.4.e.iii. ...

5. OTP Practitioner. There shall be an OTP practitioner who is on-site as needed or on-call as needed during hours of operation.

a. the OTP practitioner shall have a current, valid unrestricted license to practice in the state of Louisiana. The OTP practitioner shall be on-site or on-call as needed during the hours of operation to provide the following services:

- i. examine member for admission ;
- ii. prescribe medications;
- iii. - ix. ...

6. Medical Director

a. ...

b. the medical director shall provide the following services:

- i. - ii. ...
- iii. participate in the documentation of reviews of treatment plan every 90 days in the first two years of treatment; and
- iv. participate in discharge planning.
- v. Repealed.

A.7. - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1721 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:1288 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:535 (April 2025).

§5729. Medications

A. ...

B. Take-Home Dose(s)

1. The provider shall ensure that:

a. determinations for take-home dose(s), the factors considered, and the rationale to provide unsupervised doses of methadone are made by the client’s OTP practitioner, and

are documented in the client's record when each take-home dose is authorized;

b. date and recommended dosage are documented in the client's record and the methadone central registry; and

c. take-home dose(s) are ordered by the OTP practitioner operating within the scope of his/her license.

2. In determining which clients may receive unsupervised doses, the OTP practitioner shall consider, among other pertinent factors that indicate whether the therapeutic benefits of unsupervised doses outweigh the risks, the following criteria:

a. absence of active substance use disorders, other physical or behavioral health conditions that increase the risk of client harm as it relates to the potential for overdose, or the ability to function safely;

b. regularity of attendance for supervised medication administration;

c. absence of serious behavioral problems that endanger the client, the public, or others;

d. absence of known recent diversion activity;

e. whether take-home medication can be safely transported and stored; and

f. any other criteria that the OTP practitioner considers relevant to the client's safety and the public's health.

g. - h. Repealed.

3. If it is determined that a client is safely able to manage unsupervised doses of methadone, the OTP practitioner operating within the scope of his/her license shall determine the number of take-home doses authorized within the following dispensing restrictions.

a. During the first 14 days of treatment, the take-home supply shall be limited to 7 days of take home doses.

b. From 15 days of treatment, the take-home supply shall be limited to 14 days of take home doses.

c. From 31 days of treatment, the take-home supply provided to a client shall not exceed 28 days of take home doses at a time.

d. - f. Repealed.

4. Loss of Privilege. Positive drug screens at any time for any drug other than those prescribed shall require a new determination to be made by the OTP practitioner regarding take-home doses. Operating within the scope of his/her license, the OTP practitioner shall determine the actual number of take-home doses and whether the client is allowed to maintain take-home medication.

5. Exceptions. The provider shall request and obtain approval for a federally identified exception to the take-home dispensing restrictions from the State Opioid Treatment Authority (SOTA). Any exception shall be for an emergency or severe travel hardship.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1722 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1388 (July 2017), LR 48:1289 (May 2022), amended by the Department of Health, Health Standards Section, LR 51:535 (April 2025).

§5731. Client Records

A. In addition to the general requirements for client records, each client record shall contain:

1. - 5. ...

6. documentation of approval of any exception to the dispensing restrictions of take-home doses and the OTP practitioner's justification for such exception; and

7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1723 (September 2015), amended by the Department of Health, Health Standards Section, LR 51:536 (April 2025).

§5735. Mobile Dosing Unit (MDU) Services

A. Prior to providing MDU services, an OTP shall apply to HSS to add MDU services to an existing BHSP license.

B. OTPs with a current, valid license in accordance with Subchapter O, a current, valid certification by the Substance Abuse and Mental Health Services Administration in accordance with 42 CFR §8.11, and SOTA approval may establish a MDU that shall be authorized to dispense Federal Drug Administration-approved medications for opioid use disorder (MOUD), and to collect samples for drug testing or analysis for the purpose of treatment.

1. SOTA approval shall be required for the following criteria:

- a. floor plan;
- b. policies and procedures;
- c. location;
- d. schedule;
- e. staffing; and
- f. training.

2. HSS shall receive directly from SOTA:

- a. evidence of approval to establish a MDU; and
- b. a copy of a SOTA-approved MDU location schedule.

C. The MDU shall be established as part of, but geographically separate from, the OTP's parent facility, and the MDU shall maintain all state and federal confidentiality requirements.

D. Location

1. MDUs shall dispense MOUD from a location within the same LDH region as the OTP's parent facility.

2. The MDU location shall be limited to one location each day that shall be approved by the SOTA.

3. The MDU shall be returned and secured at the OTP's parent facility upon completion of all MDU services each day.

E. Storage and Maintenance

1. All medication shall be transported and removed directly from the MDU upon completion of all MDU services each day, and stored at the OTP's parent facility.

2. OTPs shall notify the SOTA in advance of any scheduled maintenance of the MDU, and within 24 hours of any incidents.

F. OTPs shall have a Drug Enforcement Administration (DEA) and SOTA-approved contingency plan for MDUs as follows:

1. safeguarding MDU controlled substances in the event the MDU breaks down or is disabled for any reason (e.g., mechanical failure, accident, fire); and

2. ensuring that the controlled substances are removed, secured, and accounted for at the OTP's parent facility.

G. OTPs shall maintain all DEA-mandated reports and records at the parent facility, and shall provide copies to the SOTA upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2758 (November 2022), amended by the Department of Health, Health Standards Section, LR 51:536 (April 2025).

Drew P. Maranto
Interim Secretary

2504#039

RULE

Department of Health Office of Aging and Adult Services

Traumatic Brain and Spinal Cord Injury (LAC 48:I.Chapter 19)

The Department of Health, Office of Aging and Adult Services has amended LAC 48:I.Chapter 19 in the Public Health Program as authorized by R.S. 36:254. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I General Administration

Subpart 1. General

Chapter 19 Traumatic Brain and Spinal Cord Injury

Editor's Note: This chapter, formerly LAC 67: VII. Chapter 19, was moved to LAC 48:I.Chapter 19.

§1901. Program Profile

[Formerly LAC 67:VII.1901]

A. Mission—to provide services in a flexible, individualized manner to Louisiana citizens who survive traumatic brain or spinal cord injuries enabling them to return to a reasonable level of functioning and independent living in their communities.

B. Program Administration

1. The Department of Health, Office of Aging and Adult Services (OAAS), shall be responsible for administration of the Louisiana Traumatic Brain and Spinal Cord Injury Trust Fund.

2. OAAS has the responsibility of:

a. - b. ...

c. evaluating the needs of brain injured and spinal cord injured individuals to identify service gaps and needs;

d. - e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and

Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014), amended by the Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018), LR 51:537 (April 2025).

§1903. Enabling Legislation

[Formerly LAC 67:VII.1903]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1252 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014) repealed LR 51:537 (April 2025).

§1905. Definitions

[Formerly LAC 67:VII.1905]

Advisory Board—Traumatic Brain and Spinal Cord Injury Trust Fund Advisory Board.

* * *

Traumatic Brain Injury—an insult to the head, affecting the brain, not of a degenerative or congenital nature, but caused by an external physical force that may produce a diminished or altered state of consciousness which results in an impairment of cognitive abilities or physical functioning.

Trust Fund—Traumatic Brain and Spinal Cord Injury Trust Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1253 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:84 (January 2014), amended by the Department of Health, Office of Aging and Adult Services, LR 42:1669 (October 2016), amended by the Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018), LR 51:537 (April 2025).

§1909. Individual Appeals Rights

[Formerly LAC 67:VII.1911]

A. - A.2.b. ...

3. The administrative review may be conducted face-to-face or via telephone with the program manager of the Traumatic Brain and Spinal Cord Injury Trust Fund Program.

A.4. - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1254 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:85 (January 2014), amended by the Department of Health, Office of Aging and Adult Services, LR 44:1905 (October 2018), LR 51:537 (April 2025).

§1915. Fiscal

[Formerly LAC 67:VII.1917]

A. - C.1.a. ...

D. All monies collected, but not expended, for the Traumatic Brain and Spinal Cord Injury Trust Fund Program are carried forward to the following fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S.36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1255 (November 1995), amended by the Department of Health and

Hospitals, Office of Aging and Adult Services, LR 40:86 (January 2014), amended by the Louisiana Department of Health, Office of Aging and Adult Services, LR 44:1907 (October 2018), LR 51:537 (April 2025).

§1925. Limitation of Liability
[Formerly LAC 67:VII.1927]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2631-2635 and R.S. 36:259(T).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 21:1256 (November 1995), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 40:87 (January 2014), repealed LR 51:538 (April 2025).

Drew Maranto
Interim Secretary

2504#016

RULE

Department of Insurance
Office of the Commissioner

Regulation 48—Standardized Claim Form
(LAC 37:XIII.Chapter 23)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., hereby repeals Regulation 48—Standardized Claims Forms.

The purpose of Regulation 48 was to standardize the forms used in the billing and reimbursement of health care, reduce the number of forms utilized, and increase efficiency in the reimbursement of health care through standardization. The statute is obsolete as other provisions of law have amended claim requirements. Therefore, Regulation 48 is being repealed in its entirety. This Rule is hereby adopted on the day of promulgation.

Title 37
INSURANCE

Part XIII. Regulations

Chapter 23. Regulation 48—Standardized Claim
Forms

§2301. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:538 (April 2025).

§2303. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:538 (April 2025).

§2305. Applicability and Scope

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:538 (April 2025).

§2307. Requirements for Use of HCFA Form 1500

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:538 (April 2025).

§2309. Requirements for Use of HCFA Approved Form
UB92

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:538 (April 2025).

§2311. Requirements for Use of J512 Form

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:538 (April 2025).

§2313. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:10, 22:213(A)(14), and 22:3016(C) of the Insurance Code.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 20:195 (February 1994), amended LR 20:1126 (October 1994), repealed LR 51:538 (April 2025).

Timothy J. Temple
Commissioner

2504#028

RULE

Department of Insurance
Office of the Commissioner

Rule 7—Legal Expense Insurers
(LAC 37:XI.Chapter 19)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., hereby repeals Rule 7—Legal Expense Insurers.

The purpose of Rule 7 was to adopt uniform guidelines and requirements applicable to legal expense insurers that do business in this state. Rule 7 is obsolete and is no longer used as guidance by the Department of Insurance. Therefore, it is being repealed in its entirety. This Rule is hereby adopted on the day of promulgation.

Title 37
INSURANCE
Part XI. Rules

Chapter 19. Rule 7—Legal Expense Insurers

§1901. Purpose

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:539 (April 2025).

§1903. Applicability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:539 (April 2025).

§1905. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:539 (April 2025).

§1907. Exemptions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:539 (April 2025).

§1909. Qualifications as Insurer Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), amended LR 47:1537 (October 2021), repealed LR 51:539 (April 2025).

§1911. Licensing of Agents Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:539 (April 2025).

§1913. Compliance Required

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:539 (April 2025).

§1915. Penalty for Non-Compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:539 (April 2025).

§1917. Severability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 8:235 (May 1982), repealed LR 51:539 (April 2025).

§1919. Effective Date

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1537 (October 2021), repealed LR 51:539 (April 2025).

Timothy J. Temple
Commissioner

2504#027

RULE

Department of Public Safety and Corrections
Office of Juvenile Justice

Juvenile Detention Facilities
(LAC 67:V.Chapter 75)

The Office of Juvenile Justice has adopted LAC 67.V. Chapter 75 as authorized by R.S. 15:1110. The Rule has been promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Office of Juvenile Justice amended the provisions governing the licensing of juvenile detention facilities to assume the authority for the licensing and regulating of all juvenile detention facilities owned or operated by any governmental entity for profit, nonprofit, private, or public agency. The department eliminated references to the Department of Children and Family Services having licensing and regulating authority of these facilities. The amendments provide for the Office of Juvenile Justice to extend time for criminal record searches for facility licensure, require new background clearances for lapses in employment of support staff, and utilize additional restraint mechanisms to foster the health, safety, or welfare of youth, support staff, and the general public. This Rule is hereby adopted on the day of promulgation.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 75. Juvenile Detention Facilities

§7503. Authority

A. - B.2. ...

C. Waiver Request

1. In specific instances, the deputy secretary of OJJ may waive compliance with a minimum standard if it is determined that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff and/or youth are not imperiled.

a. ...

b. An application for a waiver shall be submitted by a provider using the request for waiver from licensing standards form. The form shall be submitted to the OJJ Licensing Section. A request for a waiver shall provide the following information: a statement of the provisions for which the waiver is being requested, an explanation of the

reasons why the provisions cannot be met, including information demonstrating that the economic impact is sufficiently great to make compliance impractical, and a description of alternative methods proposed for meeting the intent of the regulation sought to be waived.

c. All requests for a waiver will be responded to in writing by the OJJ deputy secretary or designee. A copy of the waiver decision shall be kept on file at the facility and presented to licensing staff during all licensing inspections.

d. A waiver is issued at the discretion of the deputy secretary and continues in effect at his/her pleasure. The waiver may be revoked by the deputy secretary at any time, either upon violation of any condition attached to it at issuance, or upon failure of any of the statutory prerequisites to issuance of a waiver (i.e., the cost of compliance is no longer so great as to be impractical or the health or safety of any staff or any child in care is imperiled), or upon his/her determination that continuance of the waiver is no longer in the best interest of OJJ.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012), amended LR 39:1006 (April 2013), effective July 1, 2013, repromulgated LR 39:1264 (May 2013), amended by the Department of Children and Family Services, Licensing Section, LR 47:230 (February 2021), effective March 1, 2021, amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:539 (April 2025).

§7505. Definitions

* * *

Chemical Agent—any product which is dispensed by means of an aerosol spray to control an individual's combative and/or resistive behavior.

* * *

Department (OJJ)—Office of Juvenile Justice.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012), amended LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:540 (April 2025).

§7507. Licensing Requirements

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

2. Effective July 1, 2013, it is mandatory to obtain a license from the department prior to beginning operation. Effective July 1, 2024, all juvenile detention facilities, including facilities owned or operated by any governmental, for profit, nonprofit, private or public agency, shall be licensed and regulated by the Office of Juvenile Justice.

3. - 4. ...

5. The provider shall allow representatives of OJJ access to the facility, the youth, and all files and records at any time during hours of operation and/or anytime youth are present. OJJ staff shall be allowed to interview any staff member or youth. OJJ staff shall be admitted immediately and without delay, and shall be given access to all areas of a facility, including its grounds. If any portion of a facility is set aside for private use by the facility's owner, OJJ

representatives shall be permitted to verify that no youth is present in that portion and that the private areas are inaccessible to youth.

6. - 11. ...

12. OJJ is authorized to determine the period during which the license shall be effective. A license shall be valid until the expiration date shown on the license, unless the license is modified, extended, revoked, suspended, or terminated.

13. Once a license has been issued, OJJ shall conduct licensing inspections at intervals (not to exceed one year) deemed necessary by OJJ to determine compliance with licensing standards, as well as other required statutes, laws, ordinances, rules, and regulations. These inspections shall be unannounced.

14. Whenever OJJ is advised or has reason to believe that any person, agency, or organization that holds a license or has applied for a license is operating in violation of the JDF regulations or laws, OJJ shall conduct an investigation to ascertain the facts.

15. ...

a. When an individual is listed on the licensing application submitted and/or registered as an officer of the board with the Louisiana Secretary of State and does not have access to children/youth in care or children/youth who receive services from the provider and/or who is not present, unless directly supervised by a paid employee of the facility, a OJJ approved attestation form signed and dated by the individual is acceptable in lieu of the state central registry clearance and a satisfactory fingerprint based CBC from LSP. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

B. Initial Licensing Application Process

1. An initial application for licensing as a JDF shall be obtained from OJJ. A completed initial license application packet along with a fee as required by law shall be submitted to and approved by OJJ prior to an applicant providing JDF services. The completed initial licensing packet shall include:

B.1.a. - 2. ...

C. Initial Licensing Inspection

1. In accordance with R.S. 15:1110(E), prior to the initial license being issued to the JDF, an initial licensing inspection shall be conducted on-site at the JDF to assure compliance with all licensing standards. No youth shall be provided services by the JDF until the initial licensing inspection has been performed and OJJ has issued a license. The licensing inspection shall not be completed if the provider is found in operation prior to the issuance of a license and the application shall be denied.

2. In the event the initial licensing inspection finds the JDF is compliant with all licensing laws and standards, and is compliant with all other required statutes, laws, ordinances, rules, regulations, and fees, OJJ may issue a license to the JDF. The license shall be valid until the expiration date shown on the license, unless the license is modified, extended, revoked, suspended, or terminated.

3. ...

D. Fees

1. An annual fee as established by R.S. 15:1110(F), shall be payable to OJJ prior to the date of expiration of the current license by certified check, or money order. Non-

payment of fee prior to the date of expiration of the current license shall result in the nonrenewal of the license. The licensee is responsible for ensuring receipt of the annual fee by the Licensing Section.

* * *

D.2. - F.2. ...

3. When a facility changes ownership, the current license is not transferable. A change of ownership occurs when the license and/or facility is transferred from one natural or juridical person to another, or when an officer, director, member, or shareholder not listed on the initial application exercises or asserts authority or control on behalf of the entity. The addition or removal of members of a board of directors shall not be considered a change of ownership where such addition or removal does not substantially affect the entity's operation and shall require only notice be given to the OJJ of such addition or removal.

a. - a.viii. ...

ix. documentation of a fingerprint-based satisfactory criminal record clearance for all staff, including owners and operators. CBC shall be dated no earlier than 60 days before the application has been received by the Licensing Section. The prior owner's documentation of satisfactory criminal background checks is not transferrable; and

a.x. - e. ...

4. The JDF shall provide written notification to the department within 30 calendar days of changes in the administrator. A statement with supporting documentation of qualifications for the new administrator shall be submitted to OJJ.

G. - G.1.j. ...

k. a history of non-compliance with licensing statutes or standards, including but not limited to failure to take prompt action to correct deficiencies, repeated citations for the same deficiencies, or revocation or denial of any previous license issued by OJJ;

l. - o. ...

H. Disqualification of Facility and/or Provider

1. If a facility's license is revoked or not renewed due to failure to comply with state statutes or licensing rules or surrendered to avoid adverse action, OJJ may elect not accept a subsequent application from the provider for that facility, or any new facility, up to but not exceeding a period of 24 months after the effective date of revocation, non-renewal due to adverse action, or surrender to avoid adverse action, or for a period up to but not exceeding 24 months after all appeal rights have been exhausted, whichever is later (the disqualification period). The effective date of a revocation, denial, or non-renewal of a license shall be the last day for applying to appeal the action, if the action is not appealed. Any pending application by the same provider shall be treated as an application for a new facility for purposes of this section and may be denied and subject to the disqualification period. Any subsequent application for a license shall be reviewed by the secretary or designee prior to a decision being made to grant a license. OJJ reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

2. - 3. ...

4. If the applicant has had a history of non-compliance, including but not limited to revocation of a previous license, operation without a license, or denial of one or more previous applications for licensure, OJJ may refuse to accept a subsequent application from that applicant for a minimum period of 24 months after the effective date of denial.

5. ...

6. If a facility's license was revoked due solely to the disapproval from any agency whose approval is required for licensure or due solely to the facility being closed and there are no plans for immediate re-opening within 30 calendar days and no means of verifying compliance with minimum standards for licensure, the disqualification rule (or period) may not apply. OJJ may accept a subsequent application for a license that shall be reviewed by the secretary or designee prior to a decision being made to grant a license. OJJ reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

7. In the event a license is revoked or renewal is denied, (other than for cessation of business or non-operational status), or voluntarily surrendered to avoid adverse action any owner, officer, member, manager, or administrator of such licensee may be prohibited from owning, managing, or operating another licensed facility for a period of not less than 24 months from the date of the final disposition of the revocation or denial action. The lapse of 24 months shall not automatically restore a person disqualified under this provision eligibility for employment. OJJ, at its sole discretion, may determine that a longer period of disqualification is warranted under the facts of a particular case.

I. Appeal Process

1. The OJJ Licensing Section, shall advise the administrator or owner in writing of the reasons for non-renewal or revocation of the license, or denial of an application, and the right of appeal. If the administrator or owner is not present at the facility, delivery of the written reasons for such action may be made to any staff of the facility. Notice to a staff shall constitute notice to the facility of such action and the reasons therefore. A request for appeal shall include a copy of the letter from the Licensing Section that notes the reasons for revocation, denial, or non-renewal, together with the specific areas of the decision the appellant believes to be erroneous and/or the specific reasons the decision is believed to have been reached in error, and shall be mailed to: Office of Juvenile Justice, Licensing Section, P.O. Box 66458, Audubon Station, Baton Rouge, LA 70806.

2. - 4. ...

5. The OJJ Legal Section shall notify the Division of Administrative Law of receipt of an appeal request. Division of Administrative Law shall conduct a hearing. The appellant will be notified by letter of the decision, either affirming or reversing the original decision.

6. If the decision of OJJ is affirmed or the appeal dismissed, the provider shall terminate operation of the JDF immediately. If the provider continues to operate without a license, the OJJ may file suit in the district court in the parish in which the facility is located for injunctive relief.

7. If the decision of OJJ is reversed, the license will be re-instated and the appellant may continue to operate.

J. Corrective Action Plan (CAP)

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The request for submission of the CAP does not restrict the actions which may be taken by OJJ. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the juvenile detention facility. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the juvenile detention facility provider plans to take in order to prevent further deficiencies from being cited in these areas and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days.

2. ...

3. The statement of deficiencies for which a review has been requested will not be placed on the internet for viewing by the public until a decision has been reached. As a result of the licensing deficiency review request, a deficiency may be upheld with no changes, the deficiency may be removed, or the deficiency may be upheld and revised to include pertinent information that was inadvertently omitted. Once a decision has been reached, provider will be informed in writing of the decision and the reason for the decision. If information within the deficiency was cited in error or the cited deficiency is revised by the OJJ Licensing Section staff, provider will receive a revised "statement of deficiencies" with the decision letter. If any enforcement action was imposed solely because of a deficiency or finding that has been deleted through the licensing deficiency review process, the action will be rescinded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1561 (July 2012), amended LR 38:3104 (December 2012), LR 39:1006 (April 2013), effective July 1, 2013, amended LR 42:395 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:652 (May 2019), effective June 1, 2019, LR 49:848 (May 2023), effective June 1, 2023, amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:540 (April 2025).

§7508. State Central Registry

A. ...

B. Current Owners as of November 1, 2018

1. Effective November 1, 2018, and in accordance with R.S. 15:1110.2, provider shall submit a state central registry request, or applicable attestation form, for each owner/operator including board members who meet the definition of an owner to DCFS child welfare to conduct a check of the state central registry. The request shall be submitted to child welfare no later than November 16, 2018. For owners/operators including board members who meet the definition of an owner who have resided in another state within the proceeding five years, provider shall submit a request to that state's child abuse and neglect registry no

later than November 16, 2018. Documentation of request shall be available for review.

1.a. - 2. ...

3. Provider shall submit a state central registry request to child welfare every five years from the issue date noted on the state central registry clearance form for all owners/operators who meet the definition of an owner and at any time upon the request of OJJ when reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years from the issue date noted on the previous year's registry clearance form.

B.4. - C.2. ...

3. Provider shall submit a state central registry request to child welfare every five years from the issue date noted on the state central registry clearance form for all owners/operators including board members who meet the definition of an owner and at any time upon the request of OJJ if reasonable suspicion exists that an individual may be listed on the state central registry. If an owner resides in another state and is licensed to operate a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years from the issue date noted on the previous year's registry clearance form.

C.4. - D.2. ...

3. Provider shall submit a state central registry request to child welfare every five years from the issue date noted on the state central registry clearance form for all staff and at any time upon the request of OJJ if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years for this staff from the issue date noted on the previous year's registry check form.

D.3.a. - E. ...

1. Effective November 1, 2018, and in accordance with R.S. 15:1110.2, an inquiry of the state central registry for all staff (paid, non-paid and volunteers) shall be conducted prior to employment being offered to a potential hire or volunteer services provided. For staff persons who have resided in another state within the preceding five years, provider shall request a state central from that state's child abuse and neglect registry prior to hire. While awaiting the results of the out of state central registry results, the individual shall be directly supervised by a paid staff (employee) of the juvenile detention facility at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not also be awaiting the results of an out of state central registry clearance. Under no circumstances shall the individual awaiting out of state central registry results be left alone and unsupervised with a child/youth pending the official determination from that state that the individual is or is not listed on the state central registry. Louisiana state central registry clearances shall be dated no earlier than 60 days prior to the staff being present on the

premises or having access to children/youth. Out-of-state state central registry clearances shall be dated no earlier than 120 days prior to staff being present on the premises or having access to children/youth in the facility.

1.a. - 2. ...

3. Provider shall submit a state central registry request to child welfare every five years for staff from the issue date noted on the state central registry clearance form and at any time upon the request of OJJ if reasonable suspicion exists that a staff may be listed on the state central registry. If a person resides in another state and is employed at a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years for this staff from the issue date noted on the previous year's registry clearance form.

E.3.a. - F.2. ...

3. Provider shall submit a state central registry request to child welfare every five years for contractors and LDE staff from the issue date noted on the state central registry clearance form and at any time upon the request of OJJ when reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor or LDE staff resides in another state and provides services in a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years for this contractor or LDE staff from the issue date noted on the previous year's registry clearance form.

F.3.a. - G.

1. Effective November 1, 2018, and in accordance with R.S. 15:1110.2, an inquiry of the state central registry for all contractors and LDE staff shall be conducted prior to providing contracted services or having access to children/youth. For contractors and LDE staff who have resided in another state within the preceding five years, provider shall request a state central registry check from that state's child abuse and neglect registry prior to the individual providing services or having access to children/youth. While awaiting the results of the out of state central registry results, the individual shall be directly supervised by a paid staff (employee) of the juvenile detention facility at any and all times when he/she is on the premises and/or in the presence of a child/youth. The employee responsible for supervising the individual shall not also be awaiting the results of an out of state central registry clearance. Under no circumstances shall the individual awaiting out of state central registry results be left alone and unsupervised with a child/youth pending the official determination from that state that the individual is or is not listed on the state central registry. Louisiana state central registry clearances shall be dated no earlier than 60 days prior to the individual providing services or having access to children/youth. Out-of-state state central registry clearances shall be dated no earlier than 120 days prior to contractors and LDE staff being present on the premises or having access to children/youth in the facility.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

2. ...

3. Provider shall submit a state central registry request to child welfare every five years for contractors and LDE staff from the issue date noted on the state central registry clearance form and at any time upon the request of OJJ if reasonable suspicion exists that an individual may be listed on the state central registry. If a contractor or LDE staff resides in another state but provides services in a juvenile detention facility in the state of Louisiana, provider shall submit a state central registry request to that state's child abuse and neglect registry every five years for the contractor or LDE staff from the issue date noted on the previous year's registry clearance form.

4. ...

5. The state central registry clearance form shall be dated no earlier than 60 days of the individual being present on the juvenile detention facility premises or having access to children/youth.

G.6. - H.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.2.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:653 (May 2019), effective June 1, 2019, amended LR 47:1850 (December 2021), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:542 (April 2025).

§7509. Administration

A. - B.1. ...

2. The administrator, or designee, shall be accessible to OJJ 24 hours per day, seven days per week.

C. - E.5.c. ...

d. If a case is referred to a law enforcement agency for possible investigation and/or prosecution, efforts shall be made as soon as possible to notify or attempt to notify the parent/guardian of the incident and referral.

F. - F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1564 (July 2012), amended LR 39:1007 (April 2013), effective July 1, 2013, amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:543 (April 2025).

§7511. Facility Responsibilities

A. - A.3.e. ...

B. Background Clearances

1. No staff of the facility shall be hired until such person has submitted his/her fingerprints to the Louisiana Bureau of Criminal Identification and Information so that it may be determined whether or not such person has a criminal conviction, or a plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, or any offense involving a juvenile victim. CBC shall be dated no earlier than 60 days prior to the date of hire. If it is determined that such a person has a conviction or has entered a plea of guilty or nolo contendere to a crime listed in R.S. 15:587.1(C) or any offense involving a juvenile victim, that person shall not be hired. No staff shall be present on the JDF premises until such a clearance is received.

2. ...

3. A criminal record check shall be conducted on all volunteers that interact with the youth. No volunteer of the facility shall be allowed to work with youth until such person has submitted his/her fingerprints to the Louisiana Bureau of Criminal Identification and Information so that it may be determined whether or not such person has a criminal conviction, or a plea of guilty or nolo contendere to any offense included in R.S. 15:587.1, or any offense involving a juvenile victim. CBC shall be dated no earlier than 60 days prior to the volunteer being present on the JDF premises. If it is determined that such a person has a conviction or has entered a plea of guilty or nolo contendere to a crime listed in R.S. 15:587.1(C) or any offense involving a juvenile victim, that person shall not be allowed to volunteer with youth at the JDF. No volunteer shall be present on the JDF premises until such a clearance is received.

4. - 5.a. ...

b. For the first school year that a LDE staff person or local school district staff person provides services to a child, that LDE staff person or local school district staff person shall provide documentation of a fingerprint based satisfactory criminal record check as required by §7511.B.5 or shall provide the original, completed, signed, notarized, OJJ -approved affidavit to the provider prior to being present and working with a child or children at the facility. If the LDE Staff person has a break of employment for more than one year, a new CBC or affidavit shall be completed.

i. - iii. Repealed

B.5.c. - F.3.a.ii.(j). ...

b. All support (non-direct care) staff shall receive an additional 14 hours of training during their first year of employment. The training shall include, at a minimum, the following:

i. detecting and reporting suspected abuse and neglect (mandatory reporting guidelines);

ii. sexual misconduct including but not limited to the following:

(a). youth's rights to be free from sexual misconduct, and from the retaliation for reporting sexual misconduct;

(b). dynamics of sexual misconduct in confinement;

(c). common reactions of sexual misconduct victims; and

(d). agency policy for prevention and response to sexual misconduct;

iii. first aid/ CPR; and

iv. basic safety and security practices.

F.4. - I.1.b.ii. ...

iii. OJJ Licensing Section management staff; and

iv. judge of record.

I.1.c. - L.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1565 (July 2012), amended LR 39:1007 (April 2013), effective July 1, 2013, amended LR 42:396 (March 2016), amended by the Department of Children and Family Services, Licensing Section, LR 45:657 (May 2019), effective June 1, 2019, LR 49:849 (May 2023), effective June 1, 2023, amended by the

Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:543 (April 2025).

§7515. Youth Protections

A. - E.5.b. ...

F. Staff Intervention/Restraints

1. The provider shall have written policies and procedures and practices regarding the progressive response for a youth who poses a danger to themselves, others, or property. Approved physical escort techniques, physical restraints and mechanical restraint devices are the only types of interventions that may be used in the facility. Physical, chemical agents, and mechanical restraints shall only be used in instances where the youth's behavior threatens imminent harm to the youth or others, or serious property destruction, and shall only be used as a last resort. Plastic cuffs shall only be used in emergency situations. Use of any percussive or electrical shocking devices or chemical restraints is prohibited.

2. Chemical Agent Usage

a. Facility director may authorize the use of chemical agents when the situation is such that the youth:

i. is armed /and/or barricaded; or

ii. can be approached without danger of bodily harm to self or others; and it is determined that a delay in bringing the situation under control would constitute a serious hazard to the youth or others, or would result in a major disturbance or serious property damage.

b. Chemical agents must not be used upon youth for purely punitive or malicious purposes – use must be justified upon circumstances that meet the standards

c. Chemical agents shall be stored in a secured locker with inventory and Safety Data Sheets nearby.

i. After an incident involving the use of chemical agents, all chemical agent containers shall be weighed and the weight recorded. If an inventory check reveals more than a .1 gram in weight difference in the amount of chemical agent stored in a container from the last inventory check, additional documentation is needed to explain the difference in weight. Internal investigation shall be completed to determine justification of dispensed chemical agent.

d. Qualified health personnel shall be consulted prior to staff using chemical agents unless the circumstance require an immediate response. If possible, the youth's medical file must be reviewed by qualified health personnel to determine whether the youth has any diseases or conditions which would be dangerously affected if chemical agents are used. This includes, but is not limited to: asthma, emphysema, bronchitis, tuberculosis, obstructive pulmonary disease, angina pectoris, cardiac myopathy or congestive heart failure.

e. For staff to be able to use chemical agents, they must be fully trained and current in certification for Defensive Tactics and chemical agents.

f. The highest ranking officer on duty shall be the person to administer the chemical agent.

g. During an event involving the use of chemical agents, the following procedures shall be followed.

i. Staff shall try to first de-escalate the situation. When possible, staff shall seek assistance of mental health and/or qualified health personnel at the onset of violent behavior to assist staff with attempts to de-escalate.

ii. If staff is not able to de-escalate the situation, staff shall seek authorization for use of chemical agents. Authorization must be obtained from the facility administrator.

iii. All attempts to receive authorization shall be logged as well as from whom the authorization was received, including date and time.

iv. Video recording is required during an event that involves the use of chemical agents.

v. Upon gaining physical control, staff shall seek the assistance of qualified health personnel who shall examine the youth and treat any injuries. If any staff involved in a use of chemical agents event reports an injury, qualified health personnel should provide an immediate examination and initial emergency treatment as required.

vi. After an event involving the use of chemical agents, the cell, room, or common area cannot again be used until the area has been cleaned and disinfected and the agent or agents neutralized.

3. Restraints shall not be used for punishment, discipline, retaliation, harassment, intimidation or as a substitute for room restriction or confinement.

4. When a youth exhibits any behavior that may require staff intervention, the following protocol shall be adhered to when implementing the intervention unless the circumstances do not permit a progressive response:

a. Staff shall begin with verbal calming or de-escalation techniques.

b. Staff shall use an approved physical escort technique when it is necessary to direct the youth's movement from one place to another.

c. Staff shall use the least restrictive physical or mechanical restraint necessary to control the behavior.

d. If physical force is required, the use of force shall be reasonable under the circumstances existing at the moment the force is used and only the amount of force and type of restraint necessary to control the situation shall be used.

e. Staff may proceed to a mechanical restraint only when other interventions are inadequate to deal with the situation.

f. Staff shall stop using the intervention as soon as the youth regains self-control.

5. During the period of time a restraint is being used:

a. the youth shall be checked by a staff member at least every 15 minutes. Documentation of these checks shall be recorded and maintained in the youth's file. If the use of the restraint exceeds 60 minutes, a health professional must authorize the continued use of the restraint. However, restraints cannot be used for longer than four hours;

b. there shall be a means for the youth to communicate with staff at all times;

c. staff shall not withhold food while a youth is in a mechanical restraint;

d. the youth shall have access to bathroom facilities, including a toilet and washbasin.

6. In all situations in which a restraint or chemical agent is used, staff involved shall record an incident report with the shift supervisor by the end of the shift. The report shall outline in detail the presenting circumstances and a

copy shall be kept in a central incident report file. At a minimum, the incident report shall contain the following:

a. the name of the youth;

b. the date, time, and location the intervention was used;

c. the type of intervention used;

d. the name of the staff member requesting use of the intervention;

e. the name of the supervisor authorizing use of the intervention;

f. a brief description of the incident and the reason for the use of the intervention;

g. the efforts made to de-escalate the situation and alternatives to the use of intervention that were attempted;

h. any other youth and/or staff involved in the incident;

i. any injury that occurred during the intervention restraint and immediate treatment provided if any;

j. the date and time the youth was released from the intervention;

k. the name and title of the health professional authorizing continued use of a restraint if necessary beyond 60 minutes;

l. signature of the staff completing report; and

m. any follow-up required.

7. The youth shall receive a list of the prohibited practices. There shall be documentation of acknowledgement of receipt of the list of prohibited practices by the youth in the youth's file.

8. Facility staff shall not use physical restraints or mechanical restraints unless they have been trained in the use of such restraints. Training shall include methods of monitoring and assessing a restrained youth for injuries and loss of circulation as a result of the use of mechanical restraint.

9. After any incident of use of a restraint, medical follow-up shall occur as soon as a qualified medical professional is available at the facility, or sooner if medically necessary as determined by the facility administrator.

G. Prohibited Practices When Using Restraints

1. The provider shall have a written list of prohibited practices by staff members when using a restraint. This following are prohibited:

a. restraints that are solely intended to inflict pain;

b. restraints that put a youth face down with sustained or excessive pressure on the back, chest cavity, neck or head;

c. restraints that obstruct the airway or impair the breathing of the youth;

d. restraints that restrict the youth's ability to communicate;

e. restraints that obstruct a view of the youth's face;

f. any technique that does not allow monitoring of the youth's respiration and other signs of physical distress during the restraint;

g. any use of four or five-point restraints, straightjackets, or restraint chairs;

h. mechanical restraint devices that are so tight they interfere with circulation or that are so loose they cause chafing of the skin;

i. use of a waistband restraint on a pregnant youth;
j. use of a mechanical restraint that secures a youth in a position with his/her arms and/or hands behind the youth's back (hog-tied) or front, with arms or hands secured to the youth's legs; and/ or

k. use of a mechanical restraint that affixes the youth to any fixed object, such as room furnishings or fixtures.

2. A youth in mechanical restraints shall not participate in any physical activity, other than walking for purposes of transportation.

3. A list of these prohibitions shall be posted in the facility.

4. The youth shall receive a list of the prohibitions when using a restraint. There shall be documentation of acknowledgement of receipt of the list of prohibitions in the youth's file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1572 (July 2012), amended LR 42:399 (March 2016), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:544 (April 2025).

§7517. Facility Services

A. - A.2. ...

3. Prior to the end of the first official school day following admission, the youth shall receive a brief educational history screening with respect to their school status, special education status, and grade level. Staff shall use this information to determine initial placement in the facility educational program.

4. ...

5. Within three school days of the youth's arrival at the facility, the provider shall request educational records from the youth's previous school.

6. The youth shall attend the facility school at the earliest possible time but within three school days of admission to the facility.

7. The provider shall ensure youth have access to vocational training, GED programs, and other alternative educational programming if available from the local school district.

8. Youth in restricted, disciplinary, or high security units shall receive an education program comparable to youth in other units in the facility consistent with safety needs.

9. When youth are suspended from the facility school, the suspension shall comply with local jurisdiction due process requirements.

10. Behavior intervention plans shall be developed for a youth whose behavior interferes with their school attendance and progress.

11. The provider shall have available reading materials geared to the reading levels, interests, and primary languages of confined youth.

12. The school classes shall be held in classrooms/multi-purpose rooms. The provider shall ensure that the educational space is adequate to meet the instructional requirements of each youth.

13. The provider shall ensure that youth are available for the minimum minutes in a school day required by law.

14. The administrator shall immediately report in writing to the local school district if the facility school is not being staffed adequately to meet state student to teacher ratios for education, including not but not limited to, special education staff and substitute teaching staff.

B. - D.1.d. ...

e. Each provider shall provide an appropriate room or rooms for examinations.

2. Medical Care

a. - f. ...

g. Medical staff shall obtain informed consent from a youth and/or parent/legal guardian as required by law, and shall honor refusals of treatment.

h. When medical and/or mental health staff believe that involuntary treatment is necessary, the treatment shall be conducted in a hospital and not at the facility after compliance with legal requirements.

i. Staff shall document the youth and/or parent/legal guardian's consent or refusal, including counseling with respect to treatment, in the youth's medical file.

j. Pregnant youth shall be provided prenatal care. Any refusal for prenatal care by the pregnant youth shall be documented in their file.

k. Youth who are victims of sexual assault shall receive immediate medical treatment, counseling, and other services.

l. Files of all medical examinations, follow-ups and services, together with copies of all notices to a parent/legal guardian shall be kept in the youth's medical file.

m. Youth placed in medical isolation shall participate in programming as determined by the facility's qualified medical professional.

D.3. - E.3.

4. The provider shall provide functioning recreational equipment and supplies for physical education activities.

5. Youth shall be provided free time. There shall be an adequate supply of games, cards, writing, and art materials for use during recreation time.

E.6. - F.5. ...

6. Youth shall not be permitted to drive facility vehicles, unless part of a certified driver's education program and under the supervision of a certified instructor through the state of Louisiana.

7. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1575 (July 2012), amended LR 42:398 (March 2016), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:546 (April 2025).

§7523. Safety Program

A. - B.1. ...

2. Staff shall accompany private contractors, who have not received the appropriate background checks, and CANS check, when in the presence of youth.

3. The provider shall ensure that a properly equipped first aid kit is located near each living unit.

- C. - C.2.a.ii.
- iii. staff shall conduct a periodic head count;
 - iv. instruction shall be provided for staff escorting youth within and outside the facility;
 - v. prohibition of the supervision of youth by youth; and
 - vi. shift assignments, including the use, location, and scope of assignment.

3. - 5.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1581 (July 2012), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:546 (April 2025).

§7525. Data

A. - A.1.c.iii.

d. - d.ii. Repealed.

B. - B.1.c. ...

C. Detention Screening Data

1. The provider shall maintain accurate records on all risk assessment instrument (RAI) on new admissions conducted, to include the following data fields:

a. - d.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1582 (July 2012), amended by the Department of Public Safety and Corrections, Office of Juvenile Justice, LR 51:547

Kenneth A. Loftin
Deputy Secretary

2504#006

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Ignition Interlock Devices (LAC 55:III.403, 411, 419, and 451)

In compliance with Act 462 of the 2023 legislative session, the Office of Motor Vehicles amends §403, §411, and §451 of Part III, Chapter 4 (Ignition Interlock Devices), and to adopt a new section, §419, Title 55 (Public Safety) of the *Louisiana Administrative Code*. Specifically, this Rule amends the requirements for ignition interlock providers to report records regarding the installation and removal of ignition interlock devices as well as reporting violations of ignition interlock requirements. This Rule is effective April 20, 2025. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 4. Ignition Interlock Devices

Subchapter A. Specifications for Electronic Reporting Of Interlock Device Installation/Removal

§403. Definitions

Authorized Manufacturer—name of manufacturers approved by State Police Applied Technology.

Authorized Removal—a removal at the end of the lease term for the ignition interlock device, or in cases in which the motor vehicle in which the device is installed is sold or otherwise transferred to a licensed new or used motor vehicle dealer. An authorized removal also includes private sales except in cases where the motor vehicle is sold or otherwise transferred to person who resides in the same household as the person who is required to have an ignition interlock device, or is sold or otherwise transferred to a person who is related to the person who is required to have an ignition interlock device. An authorized removal includes the removal of the ignition interlock devices from a vehicle which has been declared a total loss as defined in the state's title law.

Business Days—business days are Monday through Friday, between 8 a.m. and 4:30 p.m. central time. *Business days* do not include Saturday, Sunday or state holidays, any other holiday declared by the governor, or days when state offices in East Baton Rouge Parish are declared closed by the Commissioner of Administration.

Department—Department of Public Safety and Corrections, Office of Motor Vehicles.

Edit Error—a record submitted by an authorized manufacturer unacceptable for filing purposes due to the absence of information in a required field or the presence of invalid information in the key data fields is an *edit error*. Key data fields are identified and detailed in §405. A record which is returned to an authorized manufacturer as an *edit error* is not a filing. The record shall be corrected and re-reported within 15 business days of the return-date.

Return Filing Report—a report prepared by the department for an authorized manufacturer following completion of processing and editing of data. The report will contain any error records or, if no errors are found, a message stating “No Errors in File”. It is the responsibility of the authorized manufacturer to review and take the necessary corrective action as required by these rules and regulations. If the file cannot be processed, no return report will be sent. The file must be corrected and all of the filing records must be resubmitted. None of the filing records submitted with an incomplete or incorrect header record will be accepted.

Test File Indicator—if the submitted file is a test file, the test file indicator must be set in the header record to insure that the test records are not uploaded to the database. The IT staff must be contacted to schedule a test prior to the test file being uploaded to the server.

Unauthorized Removal—the ignition interlock device is removed prior to the expiration of the lease or the time period for which the person is required to have an ignition interlock device, whichever is later. An unauthorized removal does not include instances where the ownership of the vehicle is transferred as provided in “Authorized Removal.”

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 40:2604 (December 2014), amended LR 51:547 (April 2025).

§411. Interlock Filing Record

A. - A.13. ...

14. reporting type—reporting types are “1” = Authorized Removed, “2” = Tampered, “3” = Failed to start test, “4” = Rolling retest failed, “5” = Install (required), 6 = failure to have interlock serviced two or more times, 7 = Unauthorized Removal, 8 = circumventing the device;

15. record type—record type is “1” (required).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 40:2605 (December 2014), amended LR 51:547 (April 2025).

§419. Authorized Removal

A. An authorized removal as defined in this Chapter, other than an authorized removal at the end of the lease term, is not an authorization to operate a motor vehicle without an ignition interlock device. The operation of a motor vehicle without an ignition interlock install during the period of a restricted license is a violation and will be sanctioned as directed in the relevant statute.

B. An authorized removal as defined in this Chapter, other than an authorized removal at the end of the lease term, during any period of ignition interlock required as a condition of reinstatement as provided in R.S. 32:667(I) is not an authorization to operate a motor vehicle without an ignition interlock device during the time period specified in R.S. 32:667(I). If the removal of the ignition interlock devices was authorized in this subchapter, the individual shall promptly have an approved ignition interlock device installed in a substitute vehicle no later than five business days after the authorized removal. If the individual is unable to provide proof of installation of an approved ignition interlock device by the close of business on the fifth day after the authorized removal, the individual shall surrender his driver’s license to the department until such time as the individual can provide proof of installation of an approved ignition interlock device.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(H).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 51:548 (April 2025).

Subchapter B. Credit for Suspension Time or Condition of Reinstatement Time for Installation of an Ignition Interlock Device

§451. Requirements to Receive Credit toward Suspension Time or Condition of Reinstatement Time

A. - B.3. ...

4. Submit the completed form from the ignition interlock manufacturer verifying two or more of the following violations have not occurred within a 30-day period:

- a. tampering with the ignition interlock device;
- b. circumventing the ignition interlock device;
- c. failure to bring the ignition interlock device in for required service more than two times during the period of installation;
- d. failure to take or pass a re-test;

- e. failure to pass a breath test;
- f. use of the emergency override feature without justification;
- g. unauthorized removal of the device.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:378.2(M)

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 46:187 (February 2020); amended LR 51:548 (April 2025).

Bryan Adams
Commissioner

2504#005

RULE

Department of Public Safety and Corrections Office of Motor Vehicles

Public Tag Agents
(LAC 55:III.1643)

In compliance with Act 357 of the 2023 legislative session, the Office of Motor Vehicles adopts Section 1643 of Part III, Chapter 16 (Public Tag Agents), Title 55 (Public Safety) of the *Louisiana Administrative Code*. Specifically, this Rule adopts a fine schedule for violations of R.S. 47:532.1 and R.S. 47:532.2, any rule or regulation adopted pursuant to R.S. 47:532.1 and R.S. 47:532.2, or of any violation of a contract between the Office of Motor Vehicles and the public license tag agent. This Rule is effective April 20, 2025. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 16 Public tag Agents

§1643. Administrative Penalty Assessment

A. In the event a public tag agent is found to be in violation of R.S. 32:707.2, R.S. 47:531.1 et seq., applicable administrative rules, contract terms or department policy, the Office of Motor Vehicles may impose sanctions. The sanctions shall include, but are not limited to, administrative fines; warnings; suspension or revocation of the public tag agent’s license; removal of the public tag agent or its employee’s departmental connectivity or restriction of security access. In determining the appropriate sanction, the Office of Motor Vehicles will consider the severity of the violation or violations, as well as previous violations of the public tag agent whether sanctions were imposed for the previous violations.

B. The following fine schedule shall be used to assess fines to persons, firms, or employees who violate the law, rules or departmental policies governing public tag agents. Penalties will be imposed to persons, firms or employees based on the classification of the offense. Other administrative penalties may also be imposed.

Schedule of Fines When citing specific violations, the department will set the fines within the corresponding range.	
Violation	Fine Amount
Failure to remit taxes or fees in accordance with the rules and terms of the PTA contract (§1603)	\$25 - \$250
Operating as a public tag agent without a contract for each location, with an expired contract, or without a valid surety bond on file with the office of motor vehicles.	\$25 - \$250
Issuance of more than one temporary registration, T-Marker, to a title applicant in violation of OMV rules and policies.RS 47:532.2	\$25 - \$250
Issuing a T-Marker without first collecting all taxes and fees. RS 47:532.2	\$25 - \$250
Collecting a convenience fee in excess of the amount authorized in R.S. 47:532.1	\$25 - \$250
False information provided on the public tag agent initial or renewal application (§1608)	\$25 - \$250
Allow unauthorized persons access to information regulated under the driver privacy protection act (§1615)	\$25 - \$250 (per violation)
Changing the ownership of the public tag agent and not reporting in writing to the office of motor vehicles within thirty days from the date of such change. RS 47:532.2	\$25 - \$250
Changing the officers or directors of the public tag agent and not reporting in writing to the office of motor vehicles within thirty days from the date of such change. RS 47:532.2	\$25 - \$250
The forwarding to the office of motor vehicles by a public tag agent of a document relevant to any authorized transaction that results in a material injury to the public records, or a shortfall in the collection of taxes owed when the public tag agent had knowledge of facts causing such injury or shortfall, and failed to disclose same to the office of motor vehicles. RS 47:532.2	\$25 - \$250
Operating a public tag agent from an unapproved location (§1617)	\$25 - \$250
Failure to secure exterior doors, interior doors separating co-located businesses, windows or sensitive data or materials (§1617)	\$25 - \$100
Failure to report missing or lost inventory (§1617)	\$25 - \$100
Failure to report unauthorized access to facility whether or not theft occurred (§1617)	\$25 - \$100
Failure to install or maintain monitoring service for security cameras (§1617)	\$25 - \$250
Allow unauthorized access to secure areas of the facility (§1617)	\$25 - \$250
Operating a public tag agent without a surety bond (§1621)	\$25 - \$250
Display of signage that does not indicate the status as a public tag agent (§1623)	\$25 - \$100
Advertisements or social media posts that are in poor taste or negatively reflect on the department (§1623)	\$25 - \$50
Failure to perform duties outlined in the auto title company or public tag agent contract (§1629)	\$25 - \$250
Failure to maintain professional liability/errors and omissions insurance (§1635)	\$25 - \$250
Failure to perform visual exam (§1625)	\$25 - \$250
Disposal of driver's license equipment without prior authorization (§1625)	\$25 - \$250
Dishonored or denied payments for state fees and taxes (§1639)	\$25 - \$250
Failure to scan all supporting documents for the transaction being process as required in statutory law, rules, OMV policies, or the terms of the contract	\$25 - \$100
Failure to report data breach or malware attack	\$25 - \$250
Failure to comply with audit within 90 days of the date the audit becomes final	\$25 - \$50
Failure to read and sign newly created and updated policies within 5 business days of being notified	\$25-\$100
Failure to comply with OMV policy and procedures	\$25-\$250
Failure to perform National Motor Vehicle Title Information System (NMVTIS) check prior to each title issuance on each vehicle transaction	\$25 - \$100

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1. and R.S 47:532.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 51:548 (April 2025).

Bryan Adams
Commissioner

2504#004

RULE

Department of Transportation and Development Professional Engineering and Land Surveying Board

Engineering and Land Surveying
(LAC 46:LXI.705, 903, 905, 907, 909, 911,
1101, 1703, 2503, 2701, 2907, 2911, and 3119)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.705, 903, 905, 907, 909, 911, 1101, 1703, 2503, 2701, 2907, 2911, and 3119.

This is a revision of existing rules under which LAPELS operates. The revision (a) allows for conducting board meetings via electronic means and for accessibility to board meetings by people with disabilities, (b) incorporates the new state statute dealing with licensure by endorsement, (c) memorializes and updates all board application fees, renewal fees and other fees, (d) adds a cross reference to another board rule, (e) allows the board to require credential evaluations of land surveying, mapping and real property courses, (f) updates the standards of practice for boundary surveys based on Act 626 of the 2024 Regular Session, (g) updates references to another state agency which recently changed its name and (h) eliminates the administrative fee for licensees who are deemed not in compliance with the continuing professional development requirements of the board. The anticipated effective date of the amendments to LAC 46:LXI.705, 903, 907, 909, 1101, 2503, 2701, 2907 and 2911 is the date of promulgation. The anticipated effective date of the amendments to LAC 46:LXI.905, 911, 1703 and 3119 is the later of July 1, 2026 or the date of promulgation. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors

Chapter 7. Bylaws

§705. Meetings

A. - J. ...

K. Meetings via Electronic Means. In any calendar year in which the board holds six or more regular meetings, the board may conduct up to one-third of its meetings via electronic means and will only conduct successive meetings via electronic means as needed.

1. The written public notice of a meeting via electronic means shall include detailed information regarding how members of the public may:

a. participate in the meeting via electronic means, including the applicable teleconference and/or video conference link to the meeting.

b. submit written comments regarding matters on the agenda prior to the meeting.

2. For any meeting conducted via electronic means, the board shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

3. The written public notice discussed in §705.D shall indicate which meetings will be conducted via electronic means and which will be conducted as in-person meetings.

4. All board members, whether participating in the meeting at the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

5. An online archive of any meetings conducted via electronic means shall be maintained and available to the public on the board's website for at least two years.

6. No board member who participates in a meeting via electronic means shall be eligible to or receive per diem for attendance at the meeting.

7. For purposes of this Section, *anchor location* is defined as the public location at which the board holds in-person meetings or is specifically equipped with the technology necessary to hold meetings via electronic means.

8. For purposes of this Section, *meeting via electronic means* is defined as a meeting at which one or more board members or members of the public participate via teleconference or video conference.

L. Accessibility by People with Disabilities. The board is obligated to provide for participation in all meetings via electronic means on an individualized basis by people with disabilities.

1. For purposes of this Section, *people with disabilities* are defined as any of the following:

a. a member of the public with a disability recognized by the Americans with Disabilities Act;

b. a designated caregiver of such a person; or

c. a board member with a disability recognized by the Americans with Disabilities Act.

2. The written public notice of a meeting shall include the name, telephone number and email address of the board representative to whom people with disabilities may submit requests to participate in the meeting via electronic means.

3. People with disabilities who submit a request to participate in a meeting via electronic means shall be provided with a teleconference and/or video conference link to the meeting as soon as possible following receipt of their request, but no later than the start of the meeting.

4. Board members with disabilities recognized by the Americans with Disabilities Act who participate in meetings via electronic means shall be counted for the purposes of establishing a quorum and may vote.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688, R.S. 42:14, R.S. 42:17.2, and R.S. 42:17.2.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1181 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1023 (July 2001), LR 30:1707 (August 2004), LR 44:614 (March 2018), LR 47:893 (July 2021), LR 51:550 (April 2025).

Chapter 9. Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering or Land Surveying

§903. Professional Engineer Licensure

A. - E.2. ...

F. The requirements for licensure as a professional engineer under the alternative provided in R.S. 37:51 et seq. are as follows:

1. the applicant for licensure as a professional engineer shall be an individual who holds a current and valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations or met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who does not have a disciplinary action or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, who lives in this state and has provided proof of residency, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.

G. The provisions of Subsections B, C and D shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.

H. In Subsections B, C and D, the term *military* shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

I. In Subsections B, C and D, the term *dependent* shall mean a resident spouse or resident unmarried child under 21 years of age, a child who is a student under 24 years of age and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

J. In Subsection E, the term *dependent* shall mean any of the following who relocates to Louisiana with a healthcare professional:

J.1. - J.4. ...

K. In Subsection E, the term *healthcare professional* shall mean a person who has relocated to and established his/her legal residence in Louisiana, who holds a valid license to provide healthcare services in Louisiana and who is providing healthcare or professional services in Louisiana as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist.

L. In Subsection F, proof of residency in this state shall be established by providing to the board one or more of the following:

1. a current state of Louisiana-issued identification card;
2. a current state of Louisiana-issued voter registration card;
3. documentation of current employment of the applicant in this state or a notarized letter of a promise of

employment of the applicant or his/her spouse in this state; however, if this form of proof of residency is provided, the applicant shall also provide to the board one or more of the other forms of proof of residency six months after licensure has been granted by the board; or

4. a current homestead exemption for this state.

M. The authority for the executive director to issue a license can only be granted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:51 et seq., 37:688, 37:1751, and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:804 (October 1984), LR 11:362 (April 1985), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2412 (August 2011), LR 38:2564 (October 2012), LR 39:1060 (April 2013), LR 39:2801 (October 2013), LR 43:538 (March 2017), LR 43:1419 (July 2017), LR 44:616 (March 2018), LR 47:491 (April 2021), LR 47:894 (July 2021), LR 48:2363 (September 2022), LR 51:550 (April 2025).

§905. Temporary Permit to Practice Engineering

A. - E. ...

F. The fee for a temporary permit for an individual shall be the same as the fee paid by an applicant applying for licensure as a professional engineer pursuant to §903.A.2. The fee for a temporary permit for a firm shall be the same as the fee paid by an applicant applying for licensure as a professional engineering firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688 and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 16:773 (September 1990), LR 19:56 (January 1993), LR 22:286 (April 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 37:2412 (August 2011), LR 39:2802 (October 2013), LR 44:616 (March 2018), LR 47:493 (April 2021), LR 51:551 (April 2025).

§907. Land Surveyor Intern Certification

A. The requirements for certification as a land surveyor intern under the two alternatives provided in the licensure law are as follows:

1. the applicant for certification as a land surveyor intern shall be a graduate holding a baccalaureate degree from a curriculum of four years or more who has completed at least 30 semester credit hours, or the equivalent, in land surveying, mapping, and real property courses approved by the board (as discussed in §1107), who is of good character and reputation, who has passed the examination required by the board in the fundamentals of land surveying, who was recommended for certification by a professional land surveyor holding a valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as a land surveyor intern by the board; or

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:90 (February 1984), LR 16:773 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2413 (August 2011), LR 38:2564 (October 2012), LR 44:617 (March 2018), LR 51:551 (April 2025).

§909. Professional Land Surveyor Licensure

A. - E.2. ...

F. The requirements for licensure as a professional land surveyor under the alternative provided in R.S. 37:51 et seq. are as follows:

1. the applicant for licensure as a professional land surveyor shall be an individual who holds a current and valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations or met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who does not have a disciplinary action or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, who lives in this state and has provided proof of residency, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board.

G. The provisions of Subsections B, C and D shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.

H. In Subsections B, C and D, the term *military* shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

I. In Subsections B, C and D, the term *dependent* shall mean a resident spouse or resident unmarried child under 21 years of age, a child who is a student under 24 years of age and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

J. In Subsection E, the term *dependent* shall mean any of the following who relocates to Louisiana with a healthcare professional:

J.1 - J.4. ...

K. In Subsection E, the term *healthcare professional* shall mean a person who has relocated to and established his/her legal residence in Louisiana, who holds a valid license to provide healthcare services in Louisiana and who is providing healthcare or professional services in Louisiana

as a physician, physician assistant, dentist, registered or licensed practical nurse or certified nurse assistant, advanced practice registered nurse, certified emergency medical technician, paramedic, certified registered nurse anesthetist, nurse practitioner, respiratory therapist, clinical nurse specialist, pharmacist, physical therapist, occupational therapist, licensed radiologic technologist, chiropractor, or licensed clinical laboratory scientist.

L. In Subsection F, proof of residency in this state shall be established by providing to the board one or more of the following:

1. a current state of Louisiana-issued identification card;
2. a current state of Louisiana-issued voter registration card;
3. documentation of current employment of the applicant in this state or a notarized letter of a promise of employment of the applicant or his/her spouse in this state; however, if this form of proof of residency is provided, the applicant shall also provide to the board one or more of the other forms of proof of residency six months after licensure has been granted by the board; or
4. a current homestead exemption for this state.

M. The authority for the executive director to issue a license can only be granted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:51 et seq., 37:688, 37:1751, and 37:3651

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:244 (August 1976), amended LR 2:352 (November 1976), LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:645 (December 1981), LR 11:362 (April 1985), LR 16:773 (September 1990), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 32:1619 (September 2006), LR 35:1909 (September 2009), LR 37:2413 (August 2011), LR 38:2564 (October 2012), LR 39:2802 (October 2013), LR 43:539 (March 2017), LR 44:617 (March 2018), LR 47:493 (April 2021), LR 48:2363 (September 2022), LR 51:552 (April 2025).

§911. Temporary Permit to Practice Land Surveying

A. - D. ...

E. The fee for a temporary permit shall be the same as the fee paid by an applicant applying for licensure as a professional land surveyor pursuant to §909.A.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 39:2803 (October 2013), amended LR 44:618 (March 2018), LR 47:495 (April 2021), LR 51:552 (April 2025).

Chapter 11. Curricula

§1101. Approved Curricula

A. - F. ...

G. To qualify for certification as a land surveyor intern pursuant to §907.A.1, an applicant may be required to submit to the board an evaluation of the "30 semester credit hours, or the equivalent, in land surveying, mapping, and real property courses" prepared by a board-approved education credential evaluation service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 10:805 (October 1984), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 44:618 (March 2018), LR 45:77 (January 2019), LR 47:495 (April 2021), LR 51:552 (April 2025).

Chapter 17. Applications and Fees

§1703. Fees

- A. ...
B. Application fees, renewal fees and other fees shall be as follows:

Application Fees	
Licensure as a Professional Engineer by Examination	\$50
Licensure as a Professional Engineer by Comity	\$200
Licensure as a Professional Engineer by Endorsement	\$50
Licensure as a Professional Land Surveyor by Examination	\$50
Licensure as a Professional Land Surveyor by Comity	\$200
Licensure as a Professional Land Surveyor by Endorsement	\$50
Louisiana Laws of Land Surveying Examination	\$100
Temporary Engineering Permit (Individual)	\$200
Temporary Land Surveying Permit (Individual)	\$200
Certification as an Engineer Intern	\$20
Certification as a Land Surveyor Intern	\$20
Licensure as a Professional Engineering Firm	\$185
Licensure as a Professional Land Surveying Firm	\$185
Temporary Engineering Permit (Firm)	\$185
Renewal Fees	
Renewal of Licensure as a Professional Engineer in Active Status	\$140
Renewal of Licensure as a Professional Engineer in Active Status (not in compliance with CPD requirements)	\$200
Renewal of Licensure as a Professional Engineer in Retired Status	\$70
Renewal of Licensure as a Professional Engineer in Inactive Status	\$140
Renewal of Licensure as a Professional Land Surveyor in Active Status	\$140
Renewal of Licensure as a Professional Land Surveyor in Active Status (not in compliance with CPD requirements)	\$200
Renewal of Licensure as a Professional Land Surveyor in Retired Status	\$70
Renewal of Licensure as a Professional Land Surveyor in Inactive Status	\$140
Renewal of Certification as an Engineer Intern	\$60
Renewal of Certification as a Land Surveyor Intern	\$60
Renewal of Licensure as a Professional Engineering Firm	\$140
Renewal of Licensure as a Professional Land Surveying Firm	\$140
Late Renewal Fees	
Late Renewal of Licensure as a Professional Engineer in Active Status (within 120 days after expiration)	\$210
Late Renewal of Licensure as a Professional Engineer in Active Status (within 120 days after expiration) (not in compliance with CPD requirements)	\$350
Late Renewal of Licensure as a Professional Engineer in Retired Status (within 120 days after expiration)	\$105
Late Renewal of Licensure as a Professional Engineer in Inactive Status (within 120 days after expiration)	\$210
Late Renewal of Licensure as a Professional Land Surveyor in Active Status (within 120 days after expiration)	\$210
Late Renewal of Licensure as a Professional Land Surveyor in Active Status (within 120 days after expiration) (not in compliance with CPD requirements)	\$350
Late Renewal of Licensure as a Professional Land Surveyor in Retired Status (within 120 days after	\$105

expiration)	
Late Renewal of Licensure as a Professional Land Surveyor in Inactive Status (within 120 days after expiration)	\$210
Late Renewal of Licensure as a Professional Engineering Firm (within 120 days after expiration)	\$210
Late Renewal of Licensure as a Professional Land Surveying Firm (within 120 days after expiration)	\$210
Reactivation Fees	
Reactivation of Expired Professional Engineer License (more than 120 days after expiration)	\$280
Reactivation of Expired Professional Engineer License (more than 120 days after expiration) (not in compliance with CPD requirements)	\$420
Reactivation of Expired Professional Land Surveyor License (more than 120 days after expiration)	\$280
Reactivation of Expired Professional Land Surveyor License (more than 120 days after expiration) (not in compliance with CPD requirements)	\$420
Reactivation of Expired Engineer Intern Certification (more than 120 days after expiration)	\$60
Reactivation of Expired Land Surveyor Intern Certification (more than 120 days after expiration)	\$60
Reactivation of Expired Professional Engineering Firm License (more than 120 days after expiration)	\$280
Reactivation of Expired Professional Land Surveying Firm License (more than 120 days after expiration)	\$280
Other Fees	
Public Records	\$0.25 per page plus notary and postage charges

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:503 (December 1977), amended LR 5:365 (November 1979), LR 7:646 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1033 (July 2001), LR 30:1718 (August 2004), LR 44:622 (March 2018), LR 51:553 (April 2025).

Chapter 25. Professional Conduct

§2503. Licensees

- A. - H. ...

I. A licensee who was licensed under R.S. 37:51 et seq. and either §903.F or §909.F shall not be identified as a professional engineer, professional land surveyor, P.E., P.L.S., or any modification or derivative thereof, as applicable, unless the phrase "Licensed by Endorsement, R.S. 37:51 et seq." immediately follows such identification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:51 et seq. and 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), amended LR 11:950 (October 1985), LR 16:776 (September 1990), LR 17:273 (March 1991), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1037 (July 2001), LR 30:1721 (August 2004), LR 44:624 (March 2018), LR 48:2365 (September 2022), LR 51:553 (April 2025).

Chapter 27. Use of Seals

§2701. Seal and Signature

- A. - A.2.a.iii. ...

iv. "Professional Engineer" or "Professional Engineer in _____ Engineering," or "Professional Land Surveyor";

v. "Licensed by Endorsement, R.S. 37:51 et seq." (if licensee was licensed under R.S. 37:51 et seq. and either §903.F or §909.F).

Seals issued prior to promulgation of these rules may use the word "registered" in lieu of "licensed". If a seal is replaced, the new seal shall use the word "licensed" in lieu of "registered".

A.2.b - A.2.e. ...

f. A seal must always be accompanied by the licensee's signature and date. The signature and date must be placed adjacent to or across the seal.



A.3. - A.5.b. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:51 et seq. and 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:287 (April 1996), LR 23:869 (July 1997), amended by the Louisiana Legislature, House Concurrent Resolution Number 2 of the 1998 First Extraordinary Session, LR 24:1207 (June 1998), repromulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 25:1525 (August 1999), amended LR 27:1039 (July 2001), LR 30:1723 (August 2004), LR 33:2789 (December 2007), LR 34:2415 (November 2008), LR 35:1910 (September 2009), LR 38:1418 (June 2012), LR 39:1481 (June 2013), LR 42:443 (March 2016), LR 43:344 (February 2017), LR 43:540 (March 2017), LR 44:625 (March 2018), LR 45:77 (January 2019), LR 51:553 (April 2025).

Chapter 29. Standards of Practice for Boundary Surveys

§2907. Property Boundary Survey

A. - F.7. ...

G. Plats and Maps. Every original plat or map of a property boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat or map shall be prepared in conformity with the following guidelines.

G.1. - G.5. ...

6. A statement indicating the origin of azimuths or bearings shall be shown on each plat or map. If bearings are used, the basis of the bearing shall include one or more of the following:

G.6.a. ...

b. reference to the Louisiana state plane coordinate system with the appropriate zone and a controlling station(s) with coordinates and datum noted;

G.6.c. - H.11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065 (December 1990), amended LR 19:58 (January 1993), LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004), LR 33:2790 (December 2007), LR 37:2415 (August 2011), LR 44:627 (March 2018), LR 49:1568 (September 2023), LR 51:554 (April 2025).

§2911. Mineral Unitization Survey

A. ...

B. Scope and Product. A mineral unitization survey shall, as a minimum, consist of the following elements.

B.1....

2. The professional land surveyor shall determine, on the ground, the location of the unit well and the location of sufficient tract lines in order to determine the subsurface mineral tracts located inside the unit boundaries. Geologically significant wells, as identified by the Louisiana Department of Energy and Natural Resources, Office of Conservation field order or the client, will be located with respect to the unit boundaries. Installation of new monuments defining the limits of the unit, or of the tracts which comprise the unit, is not required.

3. The professional land surveyor shall prepare a unitization plat or map (Louisiana Department of Energy and Natural Resources, Office of Conservation field order unit, voluntary unit or declared unit) showing the mineral participant(s) and limits of the tracts (or portions of tracts) which are included in the proposed mineral unit. These plats or maps shall be prepared in compliance with those requirements for property boundary survey plats or maps that are specifically contained in §2907.G.1, 2, 6, 7 and 14. These plats or maps shall contain bearings and distances around the perimeter of the unit boundary, but are not required to depict or list such calls for the individual tracts which comprise the unit. Final plats or maps issued to the client shall contain a statement by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the mineral unitization survey complies with the applicable standards of practice as stipulated in this Chapter. In addition, the plats or maps, when applicable, shall be in compliance with the Louisiana Department of Energy and Natural Resources, Office of

Conservation's requirements governing unit plats and survey plats (LAC 43:XIX.Chapter 41).

B.4....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 37:2419 (August 2011), LR 51:554 (April 2025).

Chapter 31. Continuing Professional Development (CPD)

§3119. Failure to Comply

A. When a licensee is deemed not in compliance with the CPD requirements of the board, the licensee will be so notified and will be given 120 days to satisfy the CPD requirements. The licensee must provide documented evidence of compliance. Failure to comply will subject the licensee to disciplinary action as provided in the licensure law.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 42:1107 (July 2016), LR 44:632 (March 2018), LR 47:497 (April 2021), LR 51:555 (April 2025).

Donna D. Sentell
Executive Director

2504#009

Notices of Intent

NOTICE OF INTENT Department of Civil Service Board of Ethics

Food and Drink Limit (LAC 52:I.1703)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has initiated rulemaking procedures to make amendments to the rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and Section 1115.1(C) of the Code of Governmental Ethics.

Title 52 ETHICS

Part 1. Board of Ethics

Chapter 17. Code of Governmental Ethics

§1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2025, the limit for food, drink or refreshments provided in R.S. 42:1115.1A and B is \$81.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013), LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 45:868 (July 2019), LR 46:892 (July 2020), LR 47:852 (July 2021), LR 48:1904 (July 2022), LR 49:1207 (July 2023), LR 50:1162 (August 2024), LR 51:

Family Impact Statement

The proposed Rule changes have no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule changes have no known impact on poverty, as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or adverse impact on small business as described in R.S. 49:978.5.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

Public Comments

Interested persons may direct their comments to David Bordelon, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821, telephone (225) 219-5600, until 4:45 p.m. on May 10, 2025.

David Bordelon
Administrator

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Food and Drink Limit

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any cost or savings to the state or local government units, other than the cost to publish the Notice of Intent and the rule in the State Register.

The proposed rule provides for raising the monetary limit on the receipt of food and drink by a public employee and public servant from \$79 to \$81 due to an increase in the unadjusted Consumer Price Index. This increase goes into effect on July 1, 2025.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change has no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change effects all public employees and public servants by setting a standard monetary limit on the receipt of food and drink.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change has no anticipated effect on competition and employment.

Kristy Gary
Deputy Ethics Administrator
2504#019

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators
Mandatory Reporters, Bullying Prevention, and Nonpublic Pre-Kindergarten Programs
(LAC 28:LXXIX.121, 1311, and Chapter 30)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:LXXIX in *Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The revisions align policy with legislation regarding: training requirements for mandatory reporters; bullying prevention reporting and requirements; and nonpublic school early childhood programs regarding the health and safety of the children enrolled.

Title 28
EDUCATION

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

Chapter 1. Operation and Administration

§121. Emergency Planning and Procedures

A. - C.6. ...

D. Each employee shall annually complete a mandatory reporter training course regarding the statutory requirements and responsibility of reporting child abuse and neglect.

1. A record of completion of the course shall be provided to the employee and retained by the school.

2. The school shall retain a list of all employees who have not completed the training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, R.S. 17:411, R.S. 17:416.16, R.S. 29:726.3, and CHC 603.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2343 (November 2003), amended LR 31:3074 (December 2005), LR 40:766 (April 2014), LR 51:51 (January 2025), LR 51:

Chapter 13. Preventive Programs

§1311. Bullying

A. Policy. Each nonpublic school shall develop, adopt, and implement a policy that prohibits the bullying of a student by another student and contains all required components in accordance with R.S. 17:416.14.

1. - 2.a. ...

b. procedures for investigating reports of bullying;

c. the disciplinary and criminal consequences of bullying another student;

d. appropriate remedies for a student found to have been bullied;

e. a prohibition against false reporting and retaliation; and

f. procedures for investigating and reporting of each school administrator, teacher, counselor, bus operator, and school employee for failure to act.

3. Each nonpublic school shall ensure that each student, each student's parent or legal guardian, and each school administrator, teacher, counselor, bus operator, school employee, and volunteer receives a copy of the bullying policy and is aware of all duties and responsibilities related to preventing and stopping bullying.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.13 and R.S. 17:416.14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 49:246 (February 2023), repromulgated LR 49:852 (May 2023), LR 50:973 (July 2024), LR 51:51 (January 2025), LR 51:

Chapter 30. Health and Safety Rules and Regulations
for Approved Non-Public School Three-
Year-Old Programs

§3001. General Requirements

A. The school administrator is charged with the responsibility of monitoring and ensuring the three-year-old prekindergarten classrooms adhere to BESE policy contained in this Chapter.

B. - F. ...

G. Any visitor to the school shall sign in/out. Records including the name, signature, and time shall be maintained

to accurately reflect persons on the school premises at any given time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1226 (May 2012), LR 51:

§3003. Policies and Procedures Related to Children

A. - B.2.d.i. ...

e. address children without an IEP or Student Services Plan who continually cause physical harm to himself/herself or others or continually impede the learning of himself/herself and others because of other challenging behavior; and

f. establish steps for addressing behaviors identified as dangerous and/or out of control behaviors.

3. The behavior management policy shall prohibit physical or corporal punishment, verbal abuse, or being deprived of food or beverage.

4. Time out shall take place within sight of staff. The length of each time out shall be based on the age of the child and shall not exceed one minute per year of age.

C. - C.1. ...

2. Any person making a report in good faith regarding child abuse shall have immunity from civil liability that may be otherwise incurred.

3. An employer shall not discriminate or retaliate against an employee who is a mandatory reporter for complying with reporting requirements.

4. An employer shall not enact policies that prohibit or limit mandatory reporting to the Louisiana Department of Children and Family Services and/or state or local law enforcement.

D. Restrooms.

1. Children who are developmentally able may be permitted to use the restroom independently provided that a staff member is in proximity to and can see the children to ensure immediate intervention to safeguard a child from harm.

2. Individuals who are not staff members may not enter the restroom area while in use by any student, except if the individual is a parent assisting their own child.

E. Adverse events. The school shall have written policy regarding adverse events that occur while children are under the supervision of school staff.

1. Adverse events are defined as an occurrence that requires emergency personnel, law enforcement, or medical attention, including but not limited to:

a. allegations or suspicion of child abuse or neglect;

b. serious injury or illness;

c. an accident involving transportation;

d. incorrect medication administration;

e. a physical altercation resulting in injury;

f. spread of infectious disease.

2. The policy shall include regulations and procedures, including proper documentation, notification, and contact information for situations in which the health, safety, or well-being of a child or children are impacted.

3. Unless otherwise prohibited, parental notification shall be required for any adverse event by no later than the next business day.

4. Staff and volunteers shall receive instruction relevant to the policy on adverse events.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S.17:24.8, R.S. 17:222(C), R.S. 17:391.1-391.10, R.S. 14:403, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1226 (May 2012), LR 39:1457 (June 2013), LR 51:

§3005. Children's Records

A. - A.2. ...

3. signed agreements between the school and the parent for each child giving permission to release the child to a third party listed by the parent including any other school facilities or transportation services. The identity of the authorized person shall be verified prior to release of the child. A child shall never be released to anyone unless authorized in writing or via text, fax, or email by the parent; and

4. emergency contact information.

B. - D. ...

E. The school shall obtain written authorization from the parent for the child to participate in any extracurricular water activity. The statement shall list the child's name, type of water activity, location of water activity, parent's signature, and date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), amended LR 51:

§3007. Required Staff

A. - B. ...

C. All staff shall complete all training and criminal background check requirements prior to having sole responsibility for children in accordance with §3009 and §3011 of this Chapter.

D. Staff having sole authority and responsibility for children shall be at least 18 years of age.

1. Staff age 18 or older may be included in the child-to-staff ratio and may work without the direct supervision of another adult staff member.

2. Staff age 16 and 17 may be included in the child-to-staff ratio if the person works under the direct supervision of an adult staff member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), amended LR 51:

§3009. Personnel Records

A. - A.2. ...

B. Documentation of required training in accordance with §3011 of this Chapter.

C. Personnel documentation shall be maintained for a minimum of two years from the date of termination of employment and shall be available for on-site inspection, whether as hard copies or in electronic form, upon request by the LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), amended LR 51:

§3011. Required Staff Development and Training

A Orientation Training

1. Prior to employment and prior to having sole responsibility for a group of children, each staff member, including substitutes and foster grandparents, shall receive orientation training to include, at a minimum, the following topics:

a. ...

b. emergency and evacuation preparedness plan, including natural disasters and man-caused events;

c. - e. ...

f. child abuse identification and reporting, including phone numbers for mandatory reporting and suspected child abuse;

g. confidentiality of information regarding children and their families;

h. identification of critical staff including but not limited to staff trained in CPR and first aid, and staff who can administer medicine;

i. handling of emergencies due to food/allergic reactions including a list of children with allergies;

j. child release policies and restrictions;

k. child-to-staff ratio policies; and

l. adverse event regulations, including documentation and notification.

B. - B.2. ...

3. Staff members who maintain current certification as a first responder are considered to have current certification in CPR and pediatric first aid.

C. - C.1. ...

2. Emergency procedures shall include a system to account for all children and for notifying parents and authorized emergency release contacts.

3. For additional information, contact the local Office of Emergency Preparedness (Civil Defense).

D. - D.1.Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1227 (May 2012), amended LR 51:

§3013. Required Child/Staff Ratios

A. - C. ...

D. At no time shall a child or group of children be left alone without an adult staff member present unless the child is supervised by the parent of the child or designated representative authorized in writing by the parent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S.17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1228 (May 2012), amended LR 51:

§3017. Health Service to the Child

A. - B. ...

1. Written authorization shall include the name of the child, drug name and strength, date(s) and time(s) to be administered, directions for use, and the dated signature of the parent.

2. Prescription and non-prescription medication shall be maintained in the original pharmacy container or packaging.

3. If a non-prescription medication label reads “consult a physician,” a written authorization from a licensed health care provider shall be provided prior to administration of medication.

4. Medication administration shall be documented and records maintained on file. Documentation shall include the names of the child and the person administering, date and time, medication, and signature. Documentation requirements shall include a parent administering medication to their own child while at school.

C. Training for auto-injectable epinephrine shall be completed every two years with training approved by the LDOE, and presented by a registered nurse, a licensed medical physician, an anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health.

D. Documentation of current completion of such training shall be maintained and available for inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:24.8; R.S. 17:222(C); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1228 (May 2012), amended LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? Yes.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators Mandatory Reporters, Bullying Prevention, and Nonpublic Pre-Kindergarten Programs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change aligns policy for nonpublic schools with legislation regarding: training requirements for mandatory reporters; bullying prevention reporting requirements; and nonpublic school early childhood programs regarding the health and safety of the children enrolled.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Nonpublic schools are currently required to meet the standards included in the proposed rule change, but, to the extent they are not in compliance, additional costs for teacher training may be incurred. Additional impacts to nonpublic schools may include revision of local policy and practice but this is not anticipated to constitute a fiscal impact. The proposed rule is a result of Act 686 of the 2024 RS, which repeals certain instruction and teacher training requirements from statute and requires them to be adopted as policies by the Board of Elementary and Secondary Education through the rule making process.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2504#034

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1530—Louisiana’s IEP Handbook for
Students with Exceptionalities
Alternate Assessment Eligibility Criteria
(LAC 28:XCVII.505)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XCVII in *Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities*. The revisions update alternate assessment eligibility criteria. Federal law requires states to ensure that the total number of students assessed in each subject, using the alternate assessment for students with the most significant cognitive disabilities, does not exceed 1.0 percent of the total number of all students in the state assessed on statewide assessments. Louisiana is currently at 1.8 percent for English language arts (ELA) and math, but the proposed revisions will bring Louisiana closer to the federal requirement.

Title 28 EDUCATION

Part XCVII. Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities

Chapter 5. Participation in Statewide Assessments §505. Alternate Assessment Participation Criteria

A. - A.1.c. ...

2. For students entering a high school cohort during the 2020-2021 through the 2024-2025 school year, the student has a disability that significantly impacts cognitive function. This may be demonstrated in the following ways:

a. - c. ...

3. For students entering a high school cohort during the 2025-2026 school year and beyond, the student has a

disability that significantly impacts cognitive function. This may be demonstrated in the following ways:

a. For students who have not completed the fifth grade, an eligible student is functioning three or more standard deviations below the mean in cognitive functioning.

b. For students who have completed fifth grade, an eligible student is functioning 2.5 or more standard deviations below the mean in cognitive functioning.

4. - 4.k. ...

5. The student requires direct individualized instruction and substantial supports to achieve measurable gains on the challenging state academic content standards for the grade in which the student is enrolled.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 37:886 (March 2011), LR 41:535 (March 2015), LR 45:527 (April 2019), LR 45:1463 (October 2019), LR 49:41 (January 2023), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities Alternate Assessment Eligibility Criteria

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates alternate assessment eligibility criteria. The *Elementary and Secondary Education Act*, as amended by the *Every Student Succeeds Act*, requires all states to ensure that the total number of students assessed in each subject, using the alternate assessment for students with the most significant cognitive disabilities, does not exceed 1.0% of the total number of all students in the state assessed on statewide assessments. Louisiana is currently at 1.8% for ELA and math. The proposed rule change will bring Louisiana closer to the federal requirement. Decreasing the number of students taking the alternate assessment is not anticipated to significantly impact additional services children qualify for. All

students will continue to be assessed and receive additional educational services, as necessary.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small businesses, or nongovernmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2504#035

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Kindergarten Screeners
(LAC 28:XI.Chapter 59 and LAC 28:CXV.325)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XI in *Bulletin 118—Statewide Assessment Standards and Practices* and LAC 28:CXV *Bulletin 741—Louisiana Handbook for School Administrators*. The proposed revisions reduce the required number of kindergarten assessments and align policy to Louisiana’s Education Priorities for literacy and numeracy.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 59. Kindergarten Entry Assessment

§5901. Statement of Purpose

[Formerly LAC 28:CXL901]

A. This Chapter provides for the implementation of a kindergarten entry assessment to identify children’s kindergarten readiness. Activities conducted under this Chapter shall be coordinated with other forms of assessment conducted by the school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(1)(b) and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 51:

§5903. Definitions

[Formerly LAC 28:CXL903]

* * *

Kindergarten Entry Assessment—the process of measuring student readiness for kindergarten to plan instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.11, R.S. 17:24.4(F)(1)(b), and R.S. 17:151.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 51:

§5907. Agency Administrative Participation
[Formerly LAC 28:CXL907]

A. Kindergarten Entry Assessments. Each school district shall administer the assessment(s) approved by BESE. The results of this assessment shall be used with the goals of informing efforts to close the school readiness gap at kindergarten entry and informing instruction and services to support children's success in school.

B. Each LEA shall administer the screener(s) in accordance with LAC 28:CXV.2307.

1. - 3. Repealed.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq., and R.S. 17:139 et seq.

HISTORICAL NOTE: Promulgated Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 44:467 (March 2018), LR 47:566 (May 2021), LR 51:

§5909. State BESE-Approved Instruments
[Formerly LAC 28:CXL909]

A. Instrument approved for use through the 2017-2018 school year:

1. Developing Skills Checklist (DSC); CTB McMillan/McGraw-Hill, publisher.

B. Instruments approved for use during the 2017-2018 through 2024-2025 school years:

1. GOLD Survey; Teaching Strategies, LLC, publisher.

2. Desired Results Developmental Profile Assessments (DRDP) K; California Department of Education, publisher.

C. Screening instruments required for use:

1. K-3 Literacy Screener; 2025-2026 school year and beyond.

2. Numeracy Screener; 2026-2027 school year and beyond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1535 (July 2005), amended LR 43:1523 (August 2017), LR 51:

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§325. Kindergarten and Prekindergarten

A. - B.1. ...

C. Each LEA shall ensure that every child entering kindergarten be given the screeners required in accordance with LAC 28:CXV.2307. The results of this screening shall be used in placement and for planning instruction. The pupil progression plan for each LEA shall include criterion for placement.

1. ...

2. Repealed.

D. - E.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.8, R.S. 17:151.3, and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1260 (June 2005), amended LR 39:2196 (August 2013), LR 49:249 (February 2023), repromulgated LR 49:855 (May 2023), amended LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Kindergarten Screeners

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change reduces the number of kindergarten assessments and aligns policy to Louisiana's Education Priorities for literacy and numeracy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed changes benefit educators by reducing the number of required tests for kindergarten students, which results in an increase in the amount of time teachers have to provide focused core and intervention instruction in response to data obtained through the literacy and numeracy screener.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2504#033

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

LPDES Small MS4 Urbanized Area Clarification (LAC 33:IX.2515, 2519, and 2521) (WQ116ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.2515, 2519, and 2521 (WQ116ft).

This proposed Rule is identical to federal regulations found in 40 CFR Parts 122.28, 122.32, and 122.33, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the rule. This proposed Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The proposed Rule will revise the small municipal separate storm sewer systems (MS4s), designation requirements and is identical to portions of the recent National Pollutant Discharge Elimination System (NPDES) Small MS4 Urbanized Area Clarification, finalized by Environmental Protection Agency (EPA) and effective on July 12, 2023. The EPA finalized clarifications to its NPDES Stormwater Phase II regulations due to recent changes made by the Census Bureau. The basis and rationale for this proposed Rule are to mirror new federal regulations, ensuring consistency on how LPDES permits are issued for small MS4s. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 25. Permit Application and Special LPDES Program Requirements

§2515. General Permits

A. - A.1.e. ...

f. urban areas with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census; or

A.1.g. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2276 (October 2000), LR 26:2553 (November 2000), LR 28:468 (March 2002), LR 29:1466 (August 2003), repromulgated LR 30:230

(February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), LR 35:651 (April 2009), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1349 (July 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§2519. As an operator of a small MS4, am I regulated under the LPDES Storm Water Program?

A. ...

1. your small MS4 is located in an urban area with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census. (If your small MS4 is not located entirely within an urban area with a population of 50,000 or more people, only the portion that is within this urbanized area is regulated); or

A.2. - C. ...

D. The state administrative authority may waive permit coverage if your MS4 serves a population of less than 1,000 within the urban area identified in Paragraph A.1 of this Section and you meet the following criteria:

D.1. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2277 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§2521. Requirements for Obtaining Permit Coverage for Regulated Small MS4s

A. - B.2.c. ...

3. If the regulated small MS4 is in the same urban area as a medium or large MS4 with an LPDES storm water permit and that other MS4 is willing to have the small MS4 operator participate in its storm water program, the parties may jointly seek a modification of the other MS4 permit to include the small MS4 operator as a limited co-permittee. As a limited co-permittee, the small MS4 operator will be responsible for compliance with the permit's conditions applicable to its jurisdiction. If the small MS4 operator chooses this option it shall comply with the permit application requirements of LAC 33:IX.2511, rather than the requirements of LAC 33:IX.2521.B.2. The small MS4 operator does not need to comply with the specific application requirements of LAC 33:IX.2511.D.1.c, d, and 2.c (discharge characterization). The small MS4 operator may satisfy the requirements in LAC 33:IX.2511.D.1.e and 2.e (identification of a management program) by referring to the other MS4's storm water management program.

B.4. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2278 (October 2000), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1349 (July 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by WQ116ft. Such comments must be received no later than June 3, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ116ft. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/rules-regulations>.

Public Hearing

A public hearing will be held on June 3, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=94258719092> or by telephone by dialing (646) 255-1997 using the meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto
Secretary

2504#032

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

One-Time Exclusion of Wastes for
Chevron Oronite Co. LLC—Oak Point Plant
(LAC 33:V.4999) (HW138)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been

initiated to amend the Hazardous Waste regulations, LAC 33:V.4999.Appendix E. Table 2 (HW138).

The proposed Rule seeks to exclude (delist) incinerator ash and scrubber mud generated by Chevron Oronite Co. LLC and disposed of in Landfills A, B, and C at its Oak Point Plant in Belle Chasse, Louisiana, from the hazardous waste regulations. Chevron Oronite Co. LLC has submitted a petition to delist approximately 200,500 cubic yards of incinerator ash and scrubber mud, which are currently classified as listed hazardous waste (F005). The request seeks to reclassify these materials as nonhazardous industrial solid waste based on analytical data and risk assessment results, demonstrating that they do not pose a significant risk to human health or the environment. This reclassification will improve waste management efficiency while ensuring environmental protection. It will allow management by either disposal at a permitted off-site facility appropriate for nonhazardous industrial waste or through in-place management using alternate methods approved by LDEQ.

The delisting program is regulated under LAC 33:V.105.M and follows a formal rulemaking process. Applicants must submit a petition and meet all regulatory requirements to qualify for exclusion from hazardous waste regulations. This one-time delisting applies exclusively to the specified 200,500 cubic yards of waste materials located in Landfills A, B, and C at the Chevron Oronite Co LLC - Oak Point Plant site in Belle Chasse, Louisiana. The basis and rationale for this Rule are based on an evaluation of the information provided by the petitioner, including the analytical data, and the department's analysis of the information, including results of the Delisting Risk Assessment Software assessment. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—

Hazardous Waste

Chapter 49. Lists of Hazardous Wastes

[Editor's Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

§4999. Appendices—Appendix A, B, C, D, and E

Appendix E. Wastes Excluded under LAC 33:V.105.M

A. - B.3.b. ...

Table 1—Wastes Excluded
Lyondell Chemical Company, Lake Charles, LA

Table 1—Wastes Excluded
Marathon Oil Co., Garyville, LA

Table 1—Wastes Excluded
Motiva Enterprises LLC, Norco, LA

Table 1—Wastes Excluded
Syngenta Crop Protection, Inc., St. Gabriel, LA

Table 2—One-Time Wastes Excluded
Murphy Exploration and Production Company, Amelia, LA

Table 2—One-Time Wastes Excluded
Conrad Industries, Inc. (Conrad), Morgan City, LA

Table 2—One-Time Wastes Excluded
Marine Shale Processors, Inc., Amelia, LA

Table 2—One-Time Wastes Excluded
Chevron Oronite Company LLC – Oak Point Plant, Belle Chasse, LA
Hazardous waste scrubber mud was generated by scrubbing flue gas resulting from the incineration of a listed liquid hazardous waste previously generated at the Chevron Oronite Company LLC – Oak Point Plant (Chevron) in Belle Chasse, Louisiana. Chevron stabilized the scrubber mud with nonhazardous incinerator ash, nonhazardous sludges, and contaminated soil (collectively referred to as "ash"), all of which were generated at Chevron prior to disposal in Landfills A, B, and C. For the purpose of this one-time exclusion, the ash disposed of in Landfills A, B, and C includes hazardous waste code F005 and hazard codes "I" and "T" as listed in LAC 33:V.4901. This one-time exclusion allows for the management of approximately 200,500 cubic yards of ash for the purpose of excavation, transportation, and off-site disposal as nonhazardous industrial solid waste or management in-place pursuant to alternative methods approved by the administrative authority.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), promulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012), LR 40:1692 (September 2014), LR 42:2179 (December 2016), LR

Table 1—Wastes Excluded
BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA

Table 1—Wastes Excluded
Denka Performance Elastomer LLC, LaPlace, LA

43:1149 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2139 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 49:59 (January 2023), LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by HW138. Such comments must be received no later than June 10, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW138. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/rules-regulations>.

Public Hearing

A public hearing will be held on June 3, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=94258719092> or by telephone by dialing (646) 255-1997 using the meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: One-Time Exclusion of Wastes for Chevron Oronite Co LLC—Oak Point Plant

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs as a result of the proposed rule change.

The proposed rule change seeks to exclude (delist) incinerator ash and scrubber mud generated by Chevron Oronite Co. LLC and disposed of in Landfills A, B, and C at its Oak Point Plant in Belle Chasse, Louisiana, from the hazardous waste regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Assuming the delisting petition is granted, Chevron Oronite Co. LLC - Oak Point Plant will remove the material and send it to a permitted nonhazardous industrial solid waste landfill for disposal. This option may produce an economic benefit to Louisiana contractors. Chevron Oronite Co. LLC - Oak Point Plant also has the option for in-place management using alternate methods approved by the Louisiana Department of Environmental Quality (LDEQ). The remediation of the 200,500 cubic yards will benefit Chevron Oronite Co. LLC - Oak Point Plant by allowing its industrial property to be fully utilized.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effects on competition are negligible. The delisting facilitates the remediation of materials that have been determined not to exhibit hazardous waste characteristics. The removal and disposal activities related to the 200,500 cubic yards will involve short-term employment in environmental, laboratory, and construction-related fields.

Aurelia S. Giacometto
Secretary
2504#030

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Regulatory Permit for Storage Vessels (LAC 33:III.321) (AQ401)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.321 (AQ401).

This proposed Rule will add 40 CFR 60 Subpart Kc to the list of federal regulations to which a storage vessel may be subject. It will also clarify that a storage vessel can store either organic or inorganic materials. LAC 33:III.321.A.2.d specifies that the regulatory permit for storage vessels can only be used to authorize storage vessels that are subject to the federal regulations listed in LAC 33:III.321.D.

On October 15, 2024, the U.S. Environmental Protection Agency promulgated new regulations for storage vessels (i.e., 40 CFR 60 Subpart Kc - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction,

Reconstruction, or Modification Commenced After October 4, 2023).

This proposed Rule will add 40 CFR 60 Subpart Kc to the federal regulations listed in LAC 33:III.321.D so that new storage vessels can be authorized under the regulatory permit, where appropriate. The proposed Rule will also clarify that a *storage vessel* as defined in LAC 33:III.321.B can store either organic or inorganic materials. The basis and rationale for this Rule are to allow storage vessels subject to 40 CFR 60 Subpart Kc to be eligible for the regulatory permit for storage vessels. This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 3. Regulatory Permits

§321. Regulatory Permit for Storage Vessels

A. - B. ...

Storage Vessel—any tank, reservoir, or container used for the storage of organic or inorganic compounds. Storage vessels do not include:

- a. process tanks as defined in 40 CFR 60.111b; and
- b. vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships.

C. - D.1. ...

2. 40 CFR 60, subparts Kb and Kc;

D.3. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by AQ401. Such comments must be received no later than June 10, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is

required in advance for each copy of AQ401. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/rules-regulations>.

Public Hearing

A public hearing will be held on June 3, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=94258719092> or by telephone by dialing (646) 255-1997 using the meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulatory Permit for Storage Vessels

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule.

The proposed rule will modify the definition of a “Storage Vessel” in LAC 33:III.321.B to remove “volatile” and add “or inorganic” and add “and Kc” to LAC 33:III.321.D.2. This change will allow facilities to add a storage vessel that stores inorganic chemicals or is subject to 40 CFR 60 Subpart Kc regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

To the extent that the Department of Environmental Quality (DEQ) increases the number of permits issued, a corresponding rise in revenue is anticipated. Additional application and permit fees are anticipated as a result of the proposed rule change. Facilities purchasing a permit for the first time will be subject to an initial fee of \$832 and an annual fee of \$250. DEQ currently issues approximately 20 regulatory permits for storage tanks per year. The number of new entities that would be required to obtain this permit is indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Owners and operators wanting to permit a storage tank that stores an inorganic chemical or is subject to 40 CFR 60 Subpart Kc by a regulatory permit will be directly affected by the proposed rule change. Additional application and permit fees are anticipated as a result of the proposed rule change. Facilities purchasing a permit for the first time will be subject to an initial fee of \$832 and an annual fee of \$250.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Aurelia S. Giacometto
Secretary
2504#029

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Standards for the Use or Disposal of Sewage Sludge and Biosolids (LAC 33:IX.Chapter 73) (WQ113)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.Chapter 73 (WQ113).

The proposed Rule will update Chapter 73 of the Water Quality regulations. These updates will provide needed clarification regarding ponds used for the treatment of sewage sludge, provide additional oxidation pond closure options, and make the regulations easier to read and navigate by the public and intra-agency personnel. In addition, financial assurance requirements are being removed as they are not required by the Environmental Protection Agency or by the Louisiana Revised Statutes. The basis and rationale for this proposed Rule are to clarify, change/edit, and reformat the Chapter 73 regulations. This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 3. Louisiana Sewage Sludge and Biosolids Program

Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids [Formerly Chapter 69]

Subchapter A. Program Requirements

§7301. General Provisions

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

iii. the siting, and operation requirements for commercial preparers of sewage sludge or land appliers of biosolids; and

iv. - A.2.b.iii. ...

B. General Definitions

1. The following terms used in this Chapter shall have the meanings listed below, unless the context clearly indicates otherwise, or the term is specifically redefined in a particular Section.

Biosolids—sewage sludge, or material derived from sewage sludge, that is nonhazardous, has a PCB concentration of less than 50 mg/kg of total solids (dry

weight), and is prepared to meet one of the pollutant requirements of LAC 33:IX.7303.C.2.a or E.1.c, one of the pathogen requirements in LAC 33:IX.7309.C, and one of the vector attraction reduction requirements in LAC 33:IX.7309.E.

Class B Biosolids—biosolids that do not meet one or more of the following requirements:

i. the pollutant concentrations in Table 3 of LAC 33:IX.7303.F;

ii. the pathogen requirements in LAC 33:IX.7309.C.1;

iii. one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e; and/or

iv. a PCB concentration of less than 10 mg/kg of total solids (dry weight basis).

Exceptional Quality Biosolids—biosolids that are nonhazardous and meet the ceiling concentrations in Table 1 of LAC 33:IX.7303.F, the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the pathogen requirements in LAC 33:IX.7309.C.1, and one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e, and that have a PCB concentration of less than 10 mg/kg of total solids (dry weight).

Person—any individual, municipality, public or private corporation, partnership, firm, the United States Government, and any agent or subdivision thereof, or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, the state of Louisiana, political subdivisions of the state of Louisiana, commissions, and interstate bodies.

Sewage Sludge Generator—any person whose act or process produces sewage sludge (as defined in this Section).

Sewage Sludge Receiving Facility—any facility, public or private, that receives hauled sewage sludge from an authorized sewage sludge transporter.

Sewage Sludge Transporter—a person who pumps or moves sewage sludge off-site by means of land-based vehicles, barges, ships, rails, pipelines, or other modes of transportation. For oxidation ponds/lagoons/surface impoundments, this includes the removal of the sewage sludge from the oxidation ponds/lagoons/surface impoundments to the levees surrounding the oxidation ponds/lagoons/surface impoundments.

Transporter of Sewage Sludge—Repealed.

C. - C.1. ...

2. Frequency of Monitoring, Recordkeeping, and Reporting. The requirements for frequency of monitoring, recordkeeping, and reporting in this Chapter for total hydrocarbons in the exit gas from a sewage sludge incinerator are effective February 19, 1994, or if compliance with the operational standard for total hydrocarbons in this Chapter requires the construction of new pollution control facilities, February 19, 1995. All other requirements for frequency of monitoring recordkeeping, and reporting in this Chapter are effective on July 20, 1993.

3. - 3.a. ...

b. Compliance with the requirements in Paragraphs I.2-4 of this Section shall be achieved as follows.

i. A facility presently meeting all of the requirements for surface disposal in 40 CFR 503, Subpart C, shall comply with the requirements in Paragraph I.2 of this Section as expeditiously as practicable, but in no case later than September 1, 2007.

ii. A facility that does not meet all of the requirements for surface disposal in 40 CFR 503, Subpart C, shall comply with the requirements in Paragraph I.2 of this Section by December 30, 2005.

iii. All facilities shall comply with the requirements in Paragraphs I.3 and 4 of this Section as expeditiously as practicable, but in no case later than September 1, 2007.

D. - D.1.b.iii. ...

c. At least 180 days prior to the expiration of a permit issued under these regulations, the owner/operator of the facility or the land applier shall submit an application for permit issuance under this Chapter if the owner/operator or land applier intends to continue operations after that date. Upon written request, permission for a later date may be granted by the administrative authority. The administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

d. - e. ...

2. Obtaining a Sewage Sludge or Biosolids Use or Disposal Permit and Pond Closure Approval

a. - c. ...

d. A person that generates a sewage sludge, and does not treat the sewage sludge to be disposed at a landfill or other approved sewage sludge treatment facility, does not incinerate sewage sludge, or does not treat sewage sludge for land application, who complies with the specific requirements of Subsection E of this Section is exempted from obtaining a permit.

e. A person that generates sewage sludge, and treats the sewage sludge to be disposed in a landfill or other approved sewage sludge treatment facility, who complies with the specific requirements of Subsection G of this Section is exempted from obtaining a permit.

3. Closure of oxidation ponds, lagoons, and/or surface impoundments utilized for sewage sludge disposal, preparation of sewage sludge, or treatment of sanitary wastewater shall comply with the following.

a. The liquid portion shall be removed in a manner that meets the requirements of LAC 33:IX.Chapters 23-71.

b. After removal of the liquid, the sewage sludge shall be used or disposed through one of the options in Clause D.3.b.i-v of this Section as follows:

i. implementation of a closure plan approved by the administrative authority for the total removal of the sewage sludge and subsequent disposal of the sewage sludge in a permitted landfill. Approval or disapproval of the closure plan shall be rendered by the administrative authority after review of the proposed closure plan submitted by the applicant. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). an aerial photograph showing the location of the facility that is proposed for closure;

(c). the approximate amount of sewage sludge that will be removed and disposed at a permitted landfill;

(d). sampling and analysis for the following parameters:

(i). toxicity characteristics leaching procedure (TCLP) and the presence of PCBs;

(ii). paint filter liquids test; and

(iii). any other parameter required by the chosen permitted landfill;

(e). either a schematic drawing or an aerial photograph that indicates where the samples for the parameters in Subclause D.3b.i.(d) of this Section were taken in the facility;

(f). the laboratory methods utilized for the sampling and analysis of the parameters in Subclause D.43.b.i.(d) of this Section;

(g). the name of the laboratory and LELAP accreditation number where the samples for the parameters in Subclause D.43.b.i.(d) of this Section were analyzed;

(h). the name, location, and contact person of the site where the sewage sludge will be disposed; and

(i). any other information the department may require.

ii. implementation of a closure plan approved by the administrative authority for the total removal of the sewage sludge by an approved sewage sludge transporter. Approval or disapproval of the closure plan shall be rendered by the administrative authority after review of the proposed closure plan submitted by the applicant. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). an aerial photograph showing the location of the facility that is proposed for closure;

(c). the approximate amount of sewage sludge that will be removed and disposed;

(d). the name of the approved sewage sludge hauler and hauler registration number;

(e). name, location, and contact person of the site where the sewage sludge will be disposed;

(f). any other information the department may require.

iii. the implementation of a closure plan form specified by, and approved by, the administrative authority for the total removal and processing of the sewage sludge into a Class B or Exceptional Quality Biosolids for land application. Approval or disapproval of the pond closure shall be rendered by the administrative authority after review of the closure plan form; or

iv. the implementation of a closure plan approved by the administrative authority for the closure of an oxidation pond, lagoon, and/or surface impoundment without the removal of sewage sludge. Approval or

disapproval of the closure plan shall be rendered by the administrative authority after review of the proposed closure plan submitted by the applicant. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). a detailed description of the treatment process of the sewage sludge within the oxidation pond, lagoon, and/or surface impoundment;

(c). a detailed description of the expected future use of the property;

(d). a demonstration to the department to substantiate that the closure of the oxidation pond, lagoon, and/or surface impoundment without the removal of sewage sludge will not adversely affect human health and the environment;

(e). any other information the department may require;

(f). additional information and or requirements include, but are not limited to:

(i). the oxidation pond shall be filled with a material strong enough to withstand machinery used to prepare the site;

(ii). the site shall be managed in a manner that ensures that there are no adverse impacts to human health or the environment; and

(iii). parish mortgage and conveyance records for the property shall be updated to include the specific location of the facility and any oxidation ponds, and to specify that an oxidation pond located on the property was closed without the removal of sewage sludge. The document shall identify the name and address of the person with the knowledge of the facility and oxidation pond. A true copy of the document filed and certified by the parish clerk of court shall be submitted to the administrative authority;

v. if the oxidation pond, lagoon, and/or surface impoundment is already permitted under an existing Sewage Sludge and Biosolids Use or Disposal permit, that permit may be used for the disposal of the sewage sludge for the pond closure.

c. Upon completion of the use or disposal option selected in either Clause D.3.b.i-v of this Section, the levees shall be broken and leveled and the oxidation pond/lagoon/surface impoundment shall be filled with soil that includes a minimum of at least 6 inches of topsoil to support vegetative growth.

d. The administrative authority may, on a case-by-case basis, approve an alternative from the requirement in Clause D.3.c.

4. Environmental Assessment Statement. In addition to the requirements of this Chapter, all sewage sludge and biosolids use or disposal permit application forms for a new permit for a commercial preparer of sewage sludge or a major modification to a permit for a commercial preparer of sewage sludge shall include a response to each of the following:

a. a detailed discussion demonstrating that the potential and real adverse environmental effects of the proposed facility have been avoided to the maximum extent possible;

b. a cost-benefit analysis that balances the environmental impact costs against the social and economic benefits of the facility and demonstrates that the latter outweigh the former;

c. a discussion and description of possible alternative projects that would offer more protection to the environment than the proposed facility without unduly curtailing nonenvironmental benefits;

d. a detailed discussion of possible alternative sites that would offer more protection to the environment than the proposed facility site without unduly curtailing nonenvironmental benefits; and

e. a discussion and description of mitigating measures that would offer more protection to the environment than the facility as proposed without unduly curtailing non-environmental benefits.

E. Sewage Sludge Generators. This Section applies to a person that generates sewage sludge, and does not treat sewage sludge to be disposed at a landfill or other approved sewage sludge treatment facility, does not incinerate sewage sludge, or does not treat sewage sludge for land application.

1. The sewage sludge generator shall prepare an annual report listing the amount of sewage sludge that is pumped out or removed from the sewage treatment system and the name and address of the sewage sludge transporter that pumped out and removed the sewage sludge. The reporting period shall be for a calendar year (January 1 – December 31). The annual report shall be completed and on file by January 28 of each year. The form to be used shall be obtained from the department or department's website. If no sewage sludge was pumped out or removed from the sewage treatment system during the reporting period, the annual report shall indicate that no sewage sludge was removed.

2. The sewage sludge generator shall ensure that the sewage sludge transporter possesses a valid sewage sludge transporter registration with LDEQ.

3. Provisions shall be made for the clean-up of the facility, including equipment and sewage sludge handling areas where sewage sludge is pumped out and removed from the treatment system.

4. The sewage sludge generator shall maintain all records regarding the pump out and removal of sewage sludge from the treatment system and the name and address of the sewage sludge transporter(s) for five years. The annual reports shall remain on file at the facility and shall be submitted to the administrative authority upon request.

F. Sewage Sludge Receiving Facilities and the Acceptance of Hauled Sewage Sludge. This Section applies to any facility, public or private, that receives hauled biosolids, sewage sludge, and/or sewage sludge mixed with grease waste from an authorized sewage sludge transporter.

1. The sewage sludge receiving facility shall be approved by the administrative authority to accept outside hauled biosolids, sewage sludge and/or sewage sludge mixed with grease from food service establishments.

2. Biosolids, sewage sludge and sewage sludge mixed with grease shall be received only at a point designated by the facility. The designated point shall be at the headworks or in the collection system.

3. Municipal treatment works treating domestic sewage that receive hauled sewage sludge and/or sewage sludge mixed with grease may not accept greater than three percent of the facility's expected daily flow in hauled biosolids, sewage sludge, and sewage sludge mixed with grease.

4. The sewage sludge receiving facility shall ensure that any truck disposing of hauled biosolids, sewage sludge and/or sewage sludge mixed with grease into the facility is properly authorized by the administrative authority to transport sewage sludge. The receipt of hauled sewage sludge from an unauthorized sewage sludge transporter shall constitute a violation of the sewage sludge receiving facility's permit and/or these regulations.

5. Sanitary landfills that accept hauled sewage sludge shall dispose of the sewage sludge in the active cells of the landfill. The acceptance of hauled sewage sludge into an on-site oxidation pond is prohibited. The acceptance of hauled sewage sludge into a treatment facility at the landfill is prohibited, unless otherwise authorized by the administrative authority. Authorization by the administrative authority may require a modification of an existing permit and/or coverage under a Louisiana Sewage Sludge or Biosolids Use or Disposal Permit.

6. Reporting and Recordkeeping Requirements for Sewage Sludge Receiving Facilities

a. Manifest System

i. The permittee shall develop and implement a sewage sludge transporter manifest system. The manifest system shall be the primary mechanism by which the facility will identify the quantity and quality of wastes being discharged into the facility. The manifest system also provides a means to ensure only authorized wastes are being introduced into the facility. The manifest system shall require an entry for each load disposed. The manifest form shall include at a minimum the following information:

(a). name, address and phone number of the sewage sludge transporter;

(b). license plate number of vehicle/trailer and/or container (if present);

(c). LDEQ sewage sludge transporter registration number;

(d). sewage sludge generator information (where biosolids, sewage sludge, and/or sewage sludge mixed with grease was generated);

(e). date sewage sludge and/or sewage sludge mixed with grease was disposed; and

(f). volume of sewage sludge and/or sewage sludge mixed with grease disposed;

ii. location of disposal of the sewage sludge at the receiving facility (e.g. manhole, headworks, etc.); and

iii. a copy of the completed, signed, and dated manifest form shall be supplied to the sewage sludge transporter upon discharge of the wastes into the facility. Duplicate forms are permissible.

b. Annually, the receiving facility shall submit the amount of sewage sludge received by each sewage sludge transporter and a total amount of sewage sludge received by all sewage sludge transporters in that calendar year, on a form approved by the administrative authority. This report shall be submitted no later than February 19 of each calendar year.

G. Sewage Sludge Disposed in a Landfill

1. A landfill where sewage sludge is disposed shall possess all required legal and effective permit(s).

2. A person who disposes of sewage sludge in a landfill shall provide the necessary information to the owner/operator of the landfill where the sewage sludge is to be disposed to assure that the landfill will be in compliance with its permit requirements.

3. The person who prepares sewage sludge that is disposed in a landfill shall provide the following to the administrative authority on a form specified by the administrative authority on or before February 19 of each year:

a. proof that the sewage sludge is being disposed at an approved landfill, by furnishing the name, address, and permit number of the landfill;

b. results of sampling (minimum of once/year) and laboratory analyses of the sewage sludge for hazardous characteristics or the presence of PCBs, of the results of the Paint Filter Liquids Test (if required in the permit), and of any other analysis required by the owner/operator of the landfill; and

c. persons who dispose sewage sludge in a landfill shall maintain all records regarding the landfilling of sewage sludge, including, but not limited to the treatment, laboratory analyses, name and address of the sewage sludge transporter(s), and name and address of the approved receiving landfill for five years.

H. Registration Requirements and Standards for Sewage Sludge Transporters and Standards for Vehicles and/or Containers Used in the Transport of Sewage Sludge. A sewage sludge transporter includes a person who pumps or moves sewage sludge off-site by means of land-based vehicles.

1. Registration Requirements

a. The person responsible for the operations of sewage sludge transport activities shall obtain the sewage sludge transporter registration. Transport activities are not authorized without a current sewage sludge transporter registration issued by the administrative authority. The administrative authority may revoke or deny a sewage sludge transporter registration.

b. The person responsible the operations of sewage sludge transport activities shall register all vehicles (vehicles and/or movable containers that contain a state issued license plate) under one sewage sludge transporter registration. Vehicles that transport containers with no license plates (i.e. roll off containers) are not required to be included in the sewage sludge transporter registration.

c. A transporter of sewage sludge and/or grease mixed with sewage sludge shall not transport any sewage sludge and/or grease mixed with sewage sludge without first registering such activity with the administrative authority in writing and paying all associated fees. The transporting of grease that is not mixed with sewage sludge is not an activity covered under this Subsection.

d. The person responsible for the operations of sewage sludge transport activities shall apply for registration through a form obtained from the department or department's website. All information required by the form,

or requested by the department, shall be provided. The method of payment of fees shall be in accordance with LAC 33:IX.1309.

e. The registration period shall be for one state fiscal year period of July 1 to June 30. All registrations shall expire on June 30 of each year. If a person wishes to continue the operation of transporting sewage sludge, the person responsible for the operations of sewage sludge transport activities shall apply for re-registration to the administrative authority on or before May 1 of each year. Initial applications received between July 1 and March 30 will receive a registration for that fiscal year (July 1 through June 30); those initial applications received after March 30 will receive a registration for the remainder of that fiscal year in addition to the next fiscal year.

f. The fee for registration shall be an annual fee of \$110.

g. The administrative authority shall be notified prior to any modification to the information submitted for registration, including, but not limited to, the following:

- i. the removal and/or addition of a vehicle that will be utilized for the transporting of biosolids, sewage sludge, and or sewage sludge mixed with grease waste;
- ii. change in vehicle information (license plate number(s) and/or registered owner(s));
- iii. change of company name; and
- iv. transfer of ownership of a company.

2. Subcontracting of Sewage Sludge Transporting Activities

a. Pick-up, hauling, and disposal of sewage sludge may be subcontracted to another company by the registered sewage sludge transporter, provided the following are met.

i. All vehicles used while subcontracting work shall be included on the approved sewage sludge transporter registration issued by the department.

ii. All pick-up, hauling, and disposal of biosolids, sewage sludge, and/or sewage sludge mixed with grease waste shall be reported under the registered sewage sludge transporter that hired a subcontractor.

iii. The registered sewage sludge transporter shall be responsible for ensuring that all sewage sludge transport activities are conducted in a manner that meets all registration requirements and applicable regulations.

3. Standards for All Transporters of Sewage Sludge

a. All transporters of sewage sludge and/or grease mixed with sewage sludge shall transport the sewage sludge and/or grease mixed with sewage sludge only to a facility permitted to receive sewage sludge or mixtures thereof, and shall maintain a daily log or record of activities containing the following information regarding the sewage sludge and/or grease mixed with sewage sludge:

- i. the date the transported material was obtained, pumped, or removed;
- ii. the origin or source of the material;
- iii. the volume of material generated at each site;
- iv. the transfer and/or disposal site; and
- v. the total amount of material that was transported or disposed.

b. Transporters of sewage sludge and/or grease mixed with sewage sludge shall provide a summary of the information required in Subparagraph H.3.a. of this Section to the administrative authority on or before February 19 of

each year on a form specified by the administrative authority. The summary of information, to be submitted to the department, shall be for the previous calendar year of January 1 through December 31.

c. The registered transporter that hired the subcontractor shall include the summary of information required in Subparagraph H.2.a on their annual report for all subcontracted work. A separate report for subcontractors is not required.

d. All transporters of biosolids, sewage sludge, and or sewage sludge mixed with grease waste shall maintain records for a period of no less than five years.

e. Stationary Containers Used for Storage of Hauled Sewage Sludge

i. Stationary containers may be used to store hauled sewage sludge provided they meet the standards listed in Subparagraph H.3.f of this Subsection.

ii. Underground containers are prohibited for storage of hauled sewage sludge.

iii. Hauled sewage sludge shall not be stored in containers for more than six consecutive months at a time.

f. Standards Applicable to Vehicles and/or Containers Used to Transport Sewage Sludge

i. The bodies of vehicles and/or containers transporting sewage sludge shall be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching the sewage sludge, inhibits access by disease vectors, prevents the sewage sludge from falling or blowing from the vehicle and/or container, minimizes escape of odors, and does not create a nuisance.

ii. The bodies of vehicles and/or containers that are utilized to transport liquefied sewage sludge or a sewage sludge that is capable of producing a leachate shall be constructed and/or enclosed with an appropriate material that will completely prevent the leakage or spillage of the liquid.

iii. The exterior and interior of the body of a vehicle and/or container that is transporting sewage sludge shall be washed, at a designated washdown area, as often as needed to ensure against accumulation of sewage sludge and/or biosolids, and for the prevention of odors and disease vector attraction.

iv. The vehicle and/or container washdown area shall be designed, constructed, and operated to prevent groundwater contamination and stormwater run-on and runoff.

v. All water and leachate generated at the designated washdown area shall be contained and discharged in accordance with all applicable state and federal regulations or hauled off-site for proper treatment and/or disposal.

g. Standards for Sewage Sludge Pipelines and Containment Areas

i. Transfer points, pumping stations, and other facilities with a potential for spillage shall be located above grade, or in watertight compartments, and shall be in containment areas constructed to hold the maximum potential spill.

ii. Containment areas shall consist of a base and dikes constructed of concrete, compacted clay, or other impervious materials. All joints shall be sealed.

h. Other Standards. The administrative authority may provide appropriate standards for transporters of

sewage sludge that utilize modes of transportation not covered by Subparagraph H.3.e and f of this Section.

i. These regulations do not relieve the transporter from the responsibility of complying with other applicable regulations and licensing requirements, including, but not limited to, those of the Louisiana Department of Transportation and Development, and with applicable ordinances governing types, sizes, and weights of vehicles used to transport sewage sludge on roads and streets that shall be traveled during the transporting of the sewage sludge and with any other applicable requirements.

I. Prohibitions, Restrictions, and Additional or More Stringent Requirements

1. Use or Disposal of Sewage Sludge

a. No person shall use or dispose of sewage sludge or biosolids through any practice for which requirements have not been established in this Chapter.

b. No person shall use or dispose of sewage sludge or biosolids except in accordance with the requirements in this Chapter.

2. Surface Disposal Prohibited. Except as allowed in Clause D.3.b.iv, *surface disposal*, as defined in Subsection B of this Section, is prohibited as a use or disposal method of sewage sludge or biosolids.

3. Storage of Sewage Sludge or Biosolids

a. An extension for storage for greater than six months may be granted by the administrative authority if storage for the extended period will have no adverse effect on human health or the environment.

b. A request for an extension for storage for greater than six months shall be submitted in writing to the administrative authority at least 60 days prior to the expiration of the first six-month storage period and shall include, but not be limited to, the following information:

i. the name and address of the person who prepared the sewage sludge or biosolids;

ii. the name and address of the person who either owns or leases the land where the sewage sludge or biosolids are to be stored, if different from the person who prepared the sewage sludge;

iii. the location, by either street address (physical address) or latitude and longitude, where the sewage sludge or biosolids will be stored;

iv. an explanation of why the sewage sludge or biosolids need to be stored for longer than a six month period;

v. an explanation of why human health and the environment will not be affected;

vi. the approximate date and length of time the sewage sludge or biosolids will be stored; and

vii. the final use and disposal method after the storage period has expired.

c. The administrative authority shall make a determination as to whether or not the information submitted is complete and shall issue the determination within 30 days of having received the request.

i. If the information is deemed incomplete, the administrative authority shall issue a notice of deficiency. The preparer or land applier of sewage sludge shall have 45 days, thereafter, to respond to the notice of deficiency.

ii. If the information is deemed complete, the administrative authority shall make and issue a determination to grant or deny the request for the storage of sewage sludge within 30 days after deeming the information complete.

4. Use of Ponds or Lagoons to Treat Sewage Sludge

a. The use of a pond or lagoon is allowed for the *treatment of sewage sludge*, as defined in Subsection B of this Section, only after a permit has been granted under these regulations and the applicable air and water discharge permits have been applied for and granted by the administrative authority. The pond or lagoon shall be an intermediate step in the treatment process and not the final disposal method.

b. The person who makes use of a pond or lagoon for the treatment of sewage sludge shall:

i. provide documentation to the administrative authority that indicates the final use or disposal method for the sewage sludge;

ii. apply for the appropriate permit for the chosen final use or disposal in accordance with this Chapter; and

iii. provide documentation by a qualified professional engineer or geologist to the administrative authority that indicates the area where the pond or lagoon is located and if it will adequately protect against potential groundwater contamination either by natural soil conditions or by a constructed soil or synthetic liner that has a hydraulic conductivity of 1×10^{-7} centimeters per second or less, and adequately protect from the potential to *contaminate an aquifer*, as defined in Subsection B of this Section; and

iv. the sewage sludge in the treatment pond or lagoon shall be disposed using the final disposal method at least once per five years.

5. Solid wastes other than those listed below are prohibited from being prepared with sewage sludge and shall be disposed of in the manner provided in LAC 33:VII.Subpart 1:

a. residential and commercial food waste;

b. twigs, branches, leaves, crushed or chipped wood, logs, or trees;

c. wood chips or sawdust;

d. ground or crushed cardboard boxes;

e. paper;

f. fly ash, kiln dust, or other solid waste material that has been approved by the Environmental Protection Agency for the alkaline treatment/stabilization of sewage sludge; and

g. industrial sludges that are shown to contain only the pollutants that are listed in Table 1 of LAC 33:IX.7303.F and are demonstrated to be of benefit to the soil and/or crops through soil conditioning and/or crop fertilization, or are utilized as a form of alkaline treatment/stabilization of the sewage sludge.

6. Materials prohibited from being prepared with sewage sludge are as follows:

a. hazardous waste;

b. materials listed in Table 1 of LAC 33:IX.7301.I; and

c. other material whose use has a potential to adversely affect human health or the environment, as determined by the administrative authority.

Table 1 of LAC 33:IX.7301.I
Materials Prohibited from Preparation with Sewage Sludge
Antifreeze
Automotive batteries
Brake fluid
Cleaners (drain, oven, toilet)
Gasoline and gasoline cans
Herbicides
Household (dry cell) batteries
Oil-based paint
Pesticides
Photographic supplies
Propane cylinders
Treated wood containing the preservatives CCA and/or PCP
Tubes and buckets of adhesives, caulking, etc.
Swimming pool chemicals
Unmarked containers
Used motor oil

7. A material prepared with sewage sludge shall be sampled and analyzed on an annual basis to determine if the material is nonhazardous by a hazardous waste determination in accordance with LAC 33:Part V. Results of the sampling and analysis shall be submitted to the administrative authority on an annual basis.

8. Sewage sludge composting operations shall not be located on airport property unless an exemption or approval is granted by the U.S. Department of Transportation's Federal Aviation Administration. If an exemption or approval is granted by the U.S. Department of Transportation's Federal Aviation Administration to allow a sewage sludge composting operation to be located on airport property, the location restrictions in LAC 33:IX.7305.B.1.h and i for off-airport property operations shall apply.

9. Except as exempted in LAC 33:IX.7303.E.7 sewage sludge mixed with grease shall be disposed of in a permitted landfill and shall not be:

- a. introduced into any part of a treatment works, including its collection system; or
- b. applied to the land.

10. On a case-by-case basis, the administrative authority may impose requirements in addition to or more stringent than the requirements in this Chapter when necessary to protect human health and the environment from any adverse effect of a pollutant in the sewage sludge.

J. Exclusions

1. Co-Firing of Sewage Sludge

a. Except for the co-firing of sewage sludge with *auxiliary fuel*, as defined in LAC 33:IX.7311.B, this Chapter does not establish requirements for sewage sludge co-fired in an incinerator with other wastes or for the incinerator in which sewage sludge and other wastes are co-fired.

b. This Chapter does not establish requirements for sewage sludge co-fired with auxiliary fuel if the auxiliary fuel exceeds 30 percent of the dry weight of the sewage sludge and auxiliary fuel mixture.

2. Sludge Generated at an Industrial Facility. This Chapter does not establish requirements for the use or disposal of sludge generated at an industrial facility during the treatment of industrial wastewater, including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage.

3. Hazardous Sewage Sludge. This Chapter does not establish requirements for the use or disposal of sewage sludge or a material derived from sewage sludge that is hazardous in accordance with LAC 33:Part V.

4. Sewage Sludge Containing PCBs. This Chapter does not establish requirements for the use or disposal of sewage sludge containing polychlorinated biphenyls (PCBs) that are regulated by the Toxic Substances Control Act (TSCA).

5. Incinerator Ash. This Chapter does not establish requirements for the use or disposal of ash generated during the firing of sewage sludge in a sewage sludge incinerator.

6. Grit and Screenings. This Chapter does not establish requirements for the use or disposal of grit (e.g., sand, gravel, cinders, or other materials with a high specific gravity) or screenings (e.g., relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.

7. Drinking Water Treatment Sludge. This Chapter does not establish requirements for the use or disposal of sludge generated during the treatment of either surface water or groundwater used for drinking water.

8. Treatment Processes. This Chapter does not establish requirements for processes used to treat *domestic sewage*, as defined in Subsection B of this Section, or for processes used to treat sewage sludge prior to final use or disposal, except as provided in LAC 33:IX.7309.

9. Selection of a Use or Disposal Practice. This Chapter does not require the selection of a sewage sludge use or disposal practice. The determination of the manner in which sewage sludge is used or disposed is to be made by the person or entity who prepares sewage sludge.

K. Sampling and Analysis

1. Sampling

a. The permittee shall collect and analyze representative samples of sewage sludge or biosolids that are applied to the land and sewage sludge fired in a sewage sludge incinerator at the frequency specified in the permit.

b. The permittee shall create and maintain records of sampling and monitoring information for the period specified in the permit. The sampling and monitoring records shall include:

- i. the date, exact place, and time of sampling or measurements;
- ii. the individual(s) who performed the sampling or measurements;
- iii. the date(s) analyses were performed;
- iv. the individual(s) who performed the analysis;
- v. the analytical techniques or methods used; and
- vi. the results of such analysis.

2. Methods

a. The materials listed below are incorporated by reference in this Chapter. The materials are incorporated as they exist on the date of approval, and notice of any change in these materials will be published in the *Louisiana Register*. They are available for inspection at the Office of the Federal Register, and at the Office of Water Docket. Copies may be obtained from the standard producer or publisher listed in the regulation. Information regarding other sources of these documents is available from the

Louisiana Department of Environmental Quality. Methods in the materials listed below (or in 40 CFR Part 136) shall be used to analyze samples of sewage sludge.

i. Enteric Viruses

(a). ASTM Designation: D 4994-89, "Standard Practice for Recovery of Viruses From Wastewater Sludges," (Most Recent Edition), Annual Book of ASTM Standards: Section 11—Water and Environmental Technology, ASTM.

ii. Fecal Coliform

(a). Part 9221 E, "Standard Methods for the Examination of Water and Wastewater," (Most Recent Edition), American Public Health Association; or EPA Method 1680 for *Exceptional Quality biosolids* and Part 9221 E or Part 9222 D "Standard Methods for the Examination of Water and Wastewater," (Most Recent Edition), American Public Health Association; or EPA Method 1680 or 1681 for *Class B Biosolids*.

iii. Helminth Ova

(a). Yanko, W.A., "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges," EPA 600/1-87-014, 1987. National Technical Information Service (PB 88-154273/AS).

iv. Inorganic Pollutants

(a). *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846 (Most Recent Edition). Other Editions are available from the National Technical Information Service. and the Superintendent of Documents, Government Printing Office (Document Number 955-001-00000-1).

v. *Salmonella sp.* Bacteria

(a). Part 9260 D, "Standard Methods for the Examination of Water and Wastewater," (Most Recent Edition), American Public Health Association, or EPA Method 1682 (available on EPA's website at epa.gov; or Kenner, B.A. and H.P. Clark, "Detection and Enumeration of Salmonella and Pseudomonas Aeruginosa," Journal of the Water Pollution Control Federation, Vol. 46, No. 9, September 1974, pp. 2163-2171. Water Environment Federation.

vi. Specific Oxygen Uptake Rate

(a). Part 2710, B. Standard Methods for the Examination of Water and Wastewater, (Most Recent Edition), American Public Health Association.

vii. Total, Fixed, and Volatile Solids

(a). Part 2540, G. Standard Methods for the Examination of Water and Wastewater (Most Recent Edition), American Public Health Association.

viii. Incineration of Sewage Sludge—Standards of Performance and Particulate Matter

(a). Materials and Methods at 40 CFR Part 60 as incorporated by reference at LAC 33:III.3003.

ix. Incineration of Sewage Sludge—National Emission Standards for Beryllium and for Mercury.

(a). Materials, Methods, and Standards at 40 CFR Part 61 as incorporated by reference at LAC 33:III.5116.

x. Composting of Sewage Sludge

(a). *Test Methods for the Examination of Composting and Compost*, The US Composting Council Research and Education Foundation and USDA, available on the TMECC Website.

xi. Nutrients

(a). *Methods of Soil Analysis*, Soil Science Society of America Series (Most Recent Editions).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

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§7303. Land Application

[Formerly §6903]

A. - A.1.d. ...

B. Special Definitions

C. Preparation of Class B Biosolids

1. Requirements for Preparation of Class B Biosolids

a. Any person who receives sewage sludge for the purpose of preparing Class B Biosolids shall obtain the following information:

- i. the name, mailing address, and location of the facility or facilities providing the sewage sludge;
- ii. the total dry metric tons being provided; and
- iii. a description of any treatment processes occurring at the providing facility or facilities, including blending, composting, or mixing activities and the treatment to reduce pathogens and/or vector attraction reduction.

2. Pollutant Limits

a. Class B Biosolids

i. Shall not be applied to the land if the concentration of any pollutant in the biosolids exceeds the ceiling concentration for the pollutant in Table 1 of LAC 33:IX.7303.F.

ii. Class B Biosolids, which are to be applied to agricultural land, forest, a public contact site, or a reclamation site shall meet the following:

(a). the cumulative loading rate for each pollutant in the biosolids shall not exceed the cumulative pollutant loading rate for the pollutant in Table 2 of LAC 33:IX.7303.F; or

(b). the concentration of each pollutant in the biosolids shall not exceed the concentration for the pollutant in Table 3 of LAC 33:IX.7303.F.

iii. The administrative authority may require that the Class B biosolids meet more stringent pollutant limits, or limits for additional pollutants, than those listed in Tables 1-3 of LAC 33:IX.7303.F on a case-by-case basis after determining that the more stringent pollutant limits or limits for additional pollutants are needed to protect human health and the environment from any reasonably anticipated adverse effect that may occur from the application of the biosolids to the land.

3. Other Requirements for Class B Biosolids

a. The person who prepares Class B biosolids to be applied to agricultural land, forest, a public contact site, or a reclamation site shall provide the person who applies the Class B biosolids with written notification of the

concentration, on a dry weight basis, of total nitrogen, ammonia (as N), nitrates, potassium, and phosphorus in the Class B biosolids.

b. The Class B biosolids preparer shall provide the Class B biosolids land applicator with notice and necessary information to comply with the requirements in this Chapter.

4. Operational Standards—Pathogens and Vector Attraction Reduction

a. Pathogens

i. The Class B biosolids pathogen requirements and site restrictions in LAC 33:IX.7309.C.2 shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

b. Vector Attraction Reduction

i. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

ii. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be met when biosolids are sold or given away in a bag or other container for application to the land.

5. Frequency of Monitoring

a. The frequency of monitoring for the pollutants listed in Tables 1-3 of LAC 33:IX.7303.F; the frequency of monitoring for pathogen density requirements in LAC 33:IX.7309.C.2; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be at the frequency specified in Table 5 of LAC 33:IX.7303.F.

b. After the biosolids have been monitored for two years at the frequency in Table 5 of LAC 33:IX.7303.F the administrative authority may reduce the frequency of monitoring for pollutant concentrations. This reduction in monitoring frequency may be requested after two years of continuous permit compliance.

6. Recordkeeping

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Class B biosolids shall keep a record of the following for a period of five years:

i. annual production of Class B biosolids (i.e., dry tons or dry metric tons);

ii. the sewage sludge/biosolids management practice used;

iii. sampling results for hazardous characteristics; and

iv. sampling results for PCBs.

b. Additional recordkeeping requirements for the person who prepares the Class B biosolids.

i. For Class B biosolids that are prepared for use on agricultural land, forest, a public contact site, or a reclamation site and that meet the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Class B biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F;

(ii). a description of how the Class B pathogen requirements in LAC 33:IX.7309.C.2 are met; and

(iii). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met.

ii. For Class B biosolids prepared for use on land that is agricultural land, forest, a public contact site, or a reclamation site whose cumulative loading rate for each pollutant does not exceed the cumulative pollutant loading rate for each pollutant in Table 2 of LAC 33:IX.7303.F and that meet the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Class B biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F in the Class B biosolids;

(ii). a description of how the Class B pathogen requirements in LAC 33:IX.7309.C.2 are met;

(iii). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met; and

iii. Any person signing a document under the provisions of either Clause 7303.C.6.b.i or ii above shall make the following certification:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Class B pathogen requirements in LAC 33:IX.7309.C.2 and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

7. Reporting

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Class B Biosolids shall submit the information in Subparagraph 6.a of this Section to the administrative authority on or before February 19 of each year.

b. Additional Reporting Requirements

i. All other *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Class B biosolids for use on land and are required to obtain a permit under LAC 33:IX.7301.D, shall submit the information in Paragraph 6 of this Section, for the appropriate requirements, to the administrative authority as follows.

(a). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per year, the reporting period and the report due date shall be as specified in Table 7 of LAC 33:IX.7303.F.

(b). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per quarter (four times per year), the reporting period and the report due date shall be as specified in Table 8 of LAC 33:IX.7303.F.

(c). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per 60 days (six times per year), the reporting period and the report due date shall be as specified in Table 9 of LAC 33:IX.7303.F.

(d). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per month (12 times per year), the reporting period and the report due date shall be as specified in Table 10 of LAC 33:IX.7303.F.

D. Land Application of Class B Biosolids

1. General Requirements

a. No person shall apply Class B Biosolids to the land except in accordance with the requirements in this Chapter.

b. Biosolids shall not be applied to the land until the site has been approved by the administrative authority with a finding that the land application site is a legitimate beneficial use site.

2. General Management Practices

a. Land Application Restrictions

i. Class B biosolids applied to agricultural land, forest, a public contact site, or a reclamation site shall only be applied at a whole biosolids application rate that is equal to or less than the agronomic rate for the biosolids, unless, in the case of a reclamation site, otherwise specified by the permitting authority.

ii. Class B biosolids shall be applied to the land in accordance with the slope requirements in Table 11 of LAC 33:IX.7303.F.

iii. Class B biosolids having a concentration of PCBs greater than 10 mg/kg of total solids (dry wt.) shall be incorporated into the soil regardless of slope.

b. Buffer Zones

i. When biosolids are applied to agricultural land, forest, or a reclamation site, buffer zones shall be established as follows for each application area, unless otherwise specified by the administrative authority.

ii. For all sites, the following buffer zone requirements apply:

(a). a private potable water supply well—300 feet, unless special permission is granted by the private potable water supply owner;

(b). a public potable water supply well, surface water intake, treatment plant, or public potable water supply elevated or ground storage tank—300 feet, unless special permission is granted by the Louisiana Department of Health; and

(c). a property boundary—100 feet, unless special permission is granted by the property owner(s).

iii. For new or first-time-permitted sites, the following buffer zone requirements apply:

(a). an established *institution*, as defined in LAC 33:IX.7301.B—1,000 feet, unless special permission is granted by the responsible official of the established institution. The permission shall be in the form of a notarized affidavit executed by the owner waiving the 1,000-foot buffer zone. However, in no case shall the application area be located less than 200 feet from an institution; and

(b). a residential home or structure—500 feet, unless special permission is granted by the owner, and any lessee, of the residential home or structure. The permission shall be in the form of a notarized affidavit executed by the owner, and any lessee, waiving the 500-foot buffer zone. However, in no case shall land application of sewage sludge be conducted less than 200 feet from the residential home or structure.

c. Water Table Levels

i. Biosolids shall not be applied to agricultural land, forest, or a reclamation site during the months when the water table is less than or at 2 feet below the soil surface as indicated in the Parish Soil Surveys or the Water Features Data published by the Natural Resources Conservation Service (NRCS); or some form of monitoring device shall be provided to ensure that the annual high water table is greater than 2 feet below the soil surface.

d. Nutrient Management Plan and Soil Sampling

i. The person who applies biosolids to agricultural or forest land shall:

(a). provide proof to the administrative authority that a full nutrient management plan has been developed for the agricultural or forest land where the biosolids are applied. The full nutrient management plan shall be developed by:

(i). the Natural Resources Conservation Service (NRCS);

(ii). a certified soil scientist;

(iii). a certified crop advisor; or

(iv). a local Louisiana State University (LSU) Agricultural Center Cooperative Extension Service agent; or

(b). sample the soil at the site or sites where biosolids are land-applied on an annual basis, or, if double cropping is practiced, prior to the planting of each crop, for the following parameters:

(i). total Kjeldahl nitrogen;

(ii). total nitrates;

(iii). total nitrites;

(iv). total phosphorus;

(v). total potassium; and

(vi). pH.

3. Pollutant Limits

a. Class B biosolids applied to the land shall meet the pollutant limit requirements in LAC 33:IX.7303.C.2.

4. Other Requirements for Class B Biosolids

a. The person who applies Class B biosolids to the land shall provide the owner or leaseholder of the land on which the Class B biosolids are applied with notice and necessary information to comply with the requirements in this Chapter.

b. No person shall apply Class B biosolids subject to the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F to the land without first contacting the administrative authority to determine if Class B biosolids subject to the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F have been applied to the land since July 20, 1993.

c. No person shall apply Class B biosolids subject to the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F to agricultural land, forest, a public contact site, or a reclamation site if any of the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F has been reached.

d. If Class B biosolids have not been applied to a site since July 20, 1993, the cumulative amount for each pollutant listed in Table 2 of LAC 33:IX.7303.F may be applied to the site in accordance with Subclause C.2.a.ii.(a).

e. If Class B biosolids have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the bulk biosolids since that date is known, the cumulative amount of each pollutant applied to the site shall be used to determine the additional amount of each pollutant that can be applied to the site in accordance with Subclause C.2.a.ii.(a).

f. If Class B biosolids have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the Class B biosolids since that date is not known, an additional amount of each pollutant shall not be applied to the site in accordance with Subclause C.2.a.ii.(a).

5. Other Management Practices for Class B Biosolids

a. Class B biosolids shall not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under Section 4 of the Endangered Species Act or its designated critical habitat.

b. Class B biosolids shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the Class B biosolids enter a *wetland* or other *waters of the state*, as defined in LAC 33:IX.2313, except as provided in a permit issued in accordance with Section 402 or 404 of the Clean Water Act or LAC 33:IX.Chapters 23-71.

c. Class B biosolids shall not be applied to agricultural land, forest, or a reclamation site that is 33 feet (10 meters) or less from any *waters of the state*, as defined in LAC 33:IX.2313, unless otherwise specified by the permitting authority.

d. Class B biosolids shall not be applied to the land if it would affect a property that either is listed on, or is eligible for listing on, the National Register of Historic Places.

6. Operational Standards—Pathogens and Vector Attraction Reduction

a. Pathogens

i. The Class B pathogen requirements and site restrictions in LAC 33:IX.7309.C.2 shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

b. Vector Attraction Reduction

i. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g shall be met when Class B biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

7. Recordkeeping

a. For Class B biosolids that are applied to agricultural land, forest, a public contact site, or a reclamation site and that meet the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

i. the person who applies the Class B biosolids to the land shall develop and retain the following information for five years:

(a). a description of how the general management practices in Subparagraphs D.2.a-d of this Section and the other management practices for Class B

biosolids in Paragraph 5 of this Subsection are met for each land site on which Class B biosolids are applied;

(b). a description of how the site restrictions in LAC 33:IX.7309.C.2.e are met for each land application site on which Class B biosolids are applied;

(c). when the vector attraction reduction requirement in either LAC 33:IX.7309.E.2.f or g is met, a description of how the requirement is met;

(d). the date Class B biosolids are applied to each site; and

(e). the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the general management practices in LAC 33:IX.7303.D.2.a-d, the other management practices for bulk biosolids in LAC 33:IX.7303.D.5, the site restrictions in LAC 33:IX.7309.C.2.e, and the vector attraction reduction requirement in [insert either LAC 33:IX.7309.E.2.f or g] was prepared for each site on which bulk biosolids are applied under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

b. For Class B biosolids applied to the land that is agricultural land, forest, a public contact site, or a reclamation site whose cumulative loading rate for each pollutant does not exceed the cumulative pollutant loading rate for each pollutant in Table 2 of LAC 33:IX.7303.F and that meet the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

i. the person who applies the Class B biosolids to the land shall develop and retain the following information in Subclauses D.7.b.i.(a)-(g) of this Subsection indefinitely, and retain the information in Subclauses D.7.b.i.(h)-(j) of this Subsection for five years:

(a). the location of each land site on which Class B biosolids are applied by either street address or latitude and longitude;

(b). the number of hectares or acres in each site on which Class B biosolids are applied;

(c). the date Class B biosolids are applied to each land site;

(d). the cumulative amount of each pollutant (i.e., kilograms) listed in Table 2 of LAC 33:IX.7303.F in the Class B biosolids applied to each land site, including the amount in Subparagraph D.4.e of this Subsection;

(e). the amount of Class B biosolids (i.e., tons or metric tons) applied to each land site;

(f). a description of how the information was obtained in order to comply with Subparagraph D.4 of this Section;

(g). a description of how the general management practices in Subparagraphs D.2.a-d of this Subsection and the other management practices in Subparagraph D.5 of this Subsection are met for each land site on which Class B biosolids are applied;

(h). a description of how the site restrictions in LAC 33:IX.7309.C.2.e are met for each land site on which Class B biosolids are applied;

(i). if the vector attraction reduction requirements in either LAC 33:IX.7309.E.2.f or g are met, a description of how the requirements are met;

(j). the following certification statement:

"I certify under penalty of law, that the information that will be used to determine compliance with LAC 33:IX.7303.D.2, D.4, D.5, LAC 33:IX.7309.C.2, and LAC 33:IX.7309.E.2.f or g was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

8. Frequency of Monitoring. The frequency of monitoring for the pollutants listed in Tables 1-3 of LAC 33:IX.7303.F; the frequency of monitoring for pathogen density requirements in LAC 33:IX.7309.C.2; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be at the frequency specified in Table 5 of LAC 33:IX.7303.F.

9. Reporting

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that apply Class B biosolids to the land and are required to obtain a permit under LAC 33:IX.7301.D, shall submit the information in Subparagraph 7.a of this Section, for the appropriate requirements, to the administrative authority as follows.

(i). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per year, the reporting period and the report due date shall be as specified in Table 7 of LAC 33:IX.7303.F.

(ii). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per quarter (four times per year), the reporting period and the report due date shall be as specified in Table 8 of LAC 33:IX.7303.F.

(iii). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per 60 days (six times per year), the reporting period and the report due date shall be as specified in Table 9 of LAC 33:IX.7303.F.

(iv). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per month (12 times per year), the reporting period and the report due date shall be as specified in Table 10 of LAC 33:IX.7303.F.

10. Procedure for the Addition of Land Application Sites

a. If a person who possesses a sewage sludge and biosolids use or disposal permit for Class B biosolids wishes to add a land application site(s) to the permit, the person shall submit a request package to the administrative authority at least 180 days prior to the anticipated date by which authorization is needed containing the following information:

i. evidence of notification of the landowners bordering the proposed land application site(s). The notification may be in the form of a public notice placed in the local newspaper being circulated in the area of the proposed site(s), certified letters of notification that were either hand delivered or mailed to the landowners bordering the proposed site(s), or signed agreements of the landowners bordering the proposed site(s) to application of Class B biosolids to the site(s);

ii. signed agreement(s) to the application of Class B biosolids from the landowner(s) of the proposed site(s); and

iii. a completed Permit Application for the Use or Disposal of Sewage Sludge (Biosolids) in Louisiana.

b. After receipt and review of the request package required in Paragraph 10.a of this Section for the addition of a land application site(s), a decision shall be rendered by the administrative authority regarding the request.

E. Preparation of Exceptional Quality Biosolids

1. Requirements for the Preparation of Exceptional Quality Biosolids

a. General Requirements

i. Biosolids shall not be applied to the land as Exceptional Quality biosolids until the sample analyses have shown that the biosolids meet the criteria for *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. If results of the sampling indicate that the biosolids are no longer *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B, then the preparer shall cease any land application of the biosolids as Exceptional Quality biosolids.

iii. If biosolids that are no longer Exceptional Quality are used or disposed, then the exemption for Exceptional Quality biosolids no longer applies, and the biosolids shall meet all the requirements and restrictions of this Chapter that apply to biosolids that are not Exceptional Quality biosolids.

b. Application and Permitting Requirements for Persons Who Prepare Sewage Sludge as Exceptional Quality Biosolids

i. A person who prepares sewage sludge as Exceptional Quality biosolids shall prepare the sewage sludge in a manner that will assure that the sewage sludge meets all of the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B, and shall forward to the administrative authority a permit application for the Use or Disposal of Sewage Sludge (Biosolids) form having the following information:

(a). the laboratory analysis of the metals in Tables 1 and 3 of LAC 33:IX.7303.F;

(b). the laboratory analysis for percent dry solids, percent ammonia nitrogen, percent nitrate, percent nitrite, percent nitrogen, percent phosphorus, percent potassium, and percent organic matter and, if the sewage sludge or biosolids underwent or were subjected to any type of alkaline stabilization and/or alkaline treatment, the pH of the sewage sludge or biosolids;

(c). the laboratory results for polychlorinated biphenyls (PCBs);

(d). the Exceptional Quality biosolids pathogen requirement in LAC 33:IX.7309.C.1 that will be utilized;

(e). the vector attraction reduction requirement in LAC 33:IX.7309.E.2.a-e that will be utilized;

(f). the label or information sheet that shall accompany Exceptional Quality biosolids that are sold or given away either in bulk or in a bag, are required to contain the following information:

(i). the name and address of the preparer;

(ii). the concentration (by volume) of each metal in Table 3 of LAC 33:IX.7303.F;

(iii). percent nitrogen;

- (iv). percent ammonia nitrogen;
- (v). percent phosphorus;
- (vi). percent potassium;
- (vii). pH;
- (viii). the concentration of PCBs in mg/kg of total solids (dry wt.); and

(g). application instructions and a statement that application of the Exceptional Quality biosolids to the land is prohibited except in accordance with the instructions on the label or information sheet; and

(h). in addition to the label requirements in Subclauses 1.b.i.(a)-(h) of this Subsection, the label or information sheet that shall accompany all compost sold or given away either in bulk or in a bag or other container, are required to contain the following information:

- (i). soluble salt content;
- (ii). water holding capacity;
- (iii). bulk density (lbs/yd³);
- (iv). particle size;
- (v). moisture content; and
- (vi). percent organic matter content.

(i). samples required to be collected in accordance with Subclauses 1.b.i.(a)-(c) of this Subsection shall be from at least four representative samplings of the biosolids taken at least 60 days apart within the 12 months prior to the date of the submittal of the sewage sludge and biosolids use or disposal permit application form;

(j). for the term of the permit, the preparer of the Exceptional Quality biosolids shall conduct continued sampling at a frequency of monitoring indicated in Table 6 of LAC 33:IX.7303.F. The samples shall be analyzed for the parameters specified in Subclauses 1.b.i.(a)-(c) of this Subsection, and for the pathogen and vector attraction reduction requirements in Subclauses 1.b.i.(d) and (e) of this Subsection, as required by LAC 33:IX.7309.

c. Pollutant Limits—Exceptional Quality Biosolids

i. Exceptional Quality biosolids sold or given away in a bag or other container shall not be applied to the land if the concentration of any pollutant in the biosolids exceeds the ceiling concentration for the pollutant in Table 1 of LAC 33:IX.7303.F.

ii. If Exceptional Quality biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site, either:

(a). the cumulative loading rate for each pollutant in the Exceptional Quality biosolids shall not exceed the cumulative pollutant loading rate for the pollutant in Table 2 of LAC 33:IX.7303.F; or

(b). the concentration of each pollutant in the Exceptional Quality biosolids shall not exceed the concentration for the pollutant in Table 3 of LAC 33:IX.7303.F.

iii. If Exceptional Quality biosolids are applied to a lawn or a home garden, the concentration of each pollutant in the biosolids shall not exceed the ceiling concentrations in Table 1 of LAC 33:IX.7303.F and the pollutant concentrations for each pollutant listed in Table 3 of LAC 33:IX.7303.F, and the concentration of PCBs must be less than 10 mg/kg of total solids (dry wt.).

iv. If Exceptional Quality biosolids are sold or given away in a bag or other container for application to the land, either:

(a). the concentration of each pollutant in the Exceptional Quality biosolids shall not exceed the ceiling concentration for the pollutant in Table 1 of LAC 33:IX.7303.F and the concentration for the pollutant in Table 3 of LAC 33:IX.7303.F, and the concentration of PCBs must be less than 10 mg/kg of total solids (dry wt.); or

(b). the product of the concentration of each pollutant in the Exceptional Quality biosolids and the annual whole biosolids application rate for the biosolids shall not cause the annual pollutant loading rate for the pollutant in Table 4 of LAC 33:IX.7303.F to be exceeded, and the concentration of PCBs must be less than 10 mg/kg of total solids (dry wt.). The procedure used to determine the annual whole biosolids application rate is presented in LAC 33:IX.7397.Appendix A.

2. Pollutant Concentrations and Loading Rates—Exceptional Quality Biosolids

a. The administrative authority may require that the Exceptional Quality biosolids meet more stringent pollutant limits or limits for additional pollutants than those listed in the Tables 1-4 of LAC 33:IX.7303.F on a case-by-case basis after determining that the more stringent pollutant limits or limits for additional pollutants are needed to protect human health and the environment from any reasonably anticipated adverse effect that may occur from the application of the biosolids to the land.

3. Operational Standards for Exceptional Quality Biosolids—Pathogens and Vector Attraction Reduction

a. Pathogens

i. The Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 shall be met when biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

ii. The Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 shall be met when biosolids are applied to a lawn or a home garden.

iii. The Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 shall be met when biosolids are sold or given away in a bag or other container for application to the land.

b. Vector Attraction Reduction

i. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g shall be met when Exceptional Quality biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

ii. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be met when Exceptional Quality biosolids are applied to a lawn or a home garden.

iii. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be met when Exceptional Quality biosolids are sold or given away in a bag or other container for application to the land.

4. Frequency of Monitoring. The frequency of monitoring for the pollutants listed in Tables 1-4 of LAC 33:IX.7303.F; the frequency of monitoring for pathogen

density requirements in LAC 33:IX.7309.C.1; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.7309.E.a-e shall be the frequency specified in Table 6 of LAC 33:IX.7303.F.

5. Recordkeeping

a. All *Class 1 sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Exceptional Quality biosolids shall keep a record of the following for a period of five years:

i. annual production of Exceptional Quality biosolids (i.e., dry tons or dry metric tons); and

ii. the sewage sludge/biosolids management practice used;

iii. sampling results for hazardous characteristics; and

iv. sampling results for PCBs.

b. Additional Recordkeeping

i. The person who prepares the Exceptional Quality biosolids shall develop and retain the following information for five years:

(a). the results of the sample analysis required in Subclause 1.b.i.(j) of this Subsection;

ii. For Exceptional Quality biosolids that are applied to agricultural land, forest, a public contact site, or a reclamation site and that meet the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1, and the vector attraction reduction requirements in either LAC 33:IX.7309.E.2.f or g:

(a). the person who prepares the Exceptional Quality biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F;

(ii). a description of how the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 are met;

iii. For Exceptional Quality biosolids applied to the land that is agricultural land, forest, a public contact site, or a reclamation site whose cumulative loading rate for each pollutant does not exceed the cumulative pollutant loading rate for each pollutant in Table 2 of LAC 33:IX.7303.F and that meet the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Exceptional Quality biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 1 of LAC 33:IX.7303.F in the Exceptional Quality biosolids;

(ii). a description of how the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 are met;

(iii). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met; and

iv. For Exceptional Quality biosolids sold or given away in a bag or other container for application to the land meeting the requirement at Subclause E.1.c.iv.(b) of this

Subsection, the Exceptional Quality biosolids pathogen requirements at LAC 33:IX.7309.C.1, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Exceptional Quality biosolids that are sold or given away in a bag or other container shall develop and retain the following information for five years:

(i). the annual whole biosolids application rate for the Exceptional Quality biosolids that does not cause the annual pollutant loading rates in Table 4 of LAC 33:IX.7303.F to be exceeded;

(ii). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F in the biosolids;

(iii). a description of how the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 are met;

(iv). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met;

(v). the permittee shall either affix a label to the bag or other container holding Exceptional Quality biosolids that are sold or given away for application to the land, or provide an information sheet to the person who receives Exceptional Quality biosolids sold or given away in a bag or other container for application to the land. The label or information sheet shall contain the following information:

(a). the information required in Subclauses 6E.1.b.i.(a)-(f) of this Subsection and if the Exceptional Quality biosolids are compost, the information in Subclauses E.1.b.i.(a)-(h) of this Subsection; and

(b). the annual whole biosolids application rate that does not cause any of the annual pollutant loading rates in Table 4 of LAC 33:IX.7303.F to be exceeded.

v. the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the requirements in Subclauses E.1.b.i.(f)-(g) of this Subsection, the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1, and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and/or imprisonment."

6. Reporting

a. All *Class 1 sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Exceptional Quality biosolids shall submit the information in Subparagraph 5.a of this Subsection to the administrative authority on or before February 19 of each year.

b. Additional Reporting Requirements

i. The person who prepares the biosolids shall develop and retain the following information for five years:

(a). the results of the sample analysis required in Subclause E.1.b.i.(a)-(c) of this Section; and

(b). the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 and the vector attraction reduction requirement in [insert one of the

vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

ii. The person who prepares Exceptional Quality biosolids shall forward the information required in Clause 6.b.i of this Subsection to the administrative authority as follows.

(a). For facilities having a frequency of monitoring in Table 6 of LAC 33:IX.7303.F of once per quarter (four times per year), the reporting periods and the report due dates shall be as specified in Table 8 of LAC 33:IX.7303.F.

(b). For facilities having a frequency of monitoring in Table 6 of LAC 33:IX.7303.F of once per month (12 times per year), the reporting periods and the report due dates shall be as specified in Table 10 of LAC 33:IX.7303.F.

7. Any person subject to these regulations who prepares Exceptional Quality biosolids may petition the administrative authority to allow the land application of Exceptional Quality biosolids that is mixed with grease that was pumped or removed from a food service facility.

a. The administrative authority may grant conditional approval for the land application of Exceptional Quality biosolids that are mixed with grease that was pumped or removed from a food service facility, along with the appropriate monitoring, sampling and analysis, recordkeeping, and reporting requirements, when petitions for such are deemed appropriate after consideration of the factors enumerated in Subparagraph 1.b of this Subsection as well as any other pertinent factors.

b. Each petition for the allowance of land application of Exceptional Quality biosolids that are mixed with grease that was pumped or removed from a food service facility shall:

i. be submitted in writing to the administrative authority; and

ii. be accompanied by evidence of public notice in the state and local journal containing the following information:

(a). documentation to prove that the preparation or treatment process will be a composting process to further reduce pathogens described in LAC 33:IX.7309.D.2;

(b). documentation to satisfy the requirements in Subparagraph 1.b of this Subsection and LAC 33:IX.7305.

c. If the owner/operator wishes to continue operation of the compost facility, he or she shall submit to the administrative authority a completed permit application for use or disposal of sewage sludge and biosolids at least 180 days prior to the expiration date of the approval. The decision to grant or deny a permit for continuation of the compost operation shall be based on:

i. the information provided in the permit application;

ii. the monitoring and sampling and analysis results submitted during the conditional approval period; and

iii. any comments or other information received during the one-year approval period or during the standard permit public notice period.

F. Reference Tables for Preparation and Land Application of Biosolids

1. Table 1—Ceiling Concentrations

Table 1 of LAC 33:IX.7303.F	
Ceiling Concentrations	
Pollutant	Ceiling Concentration (milligrams per kilogram) ¹
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500
¹ Dry weight basis	

2. Table 2—Cumulative Pollutant Loading Rates

Table 2 of LAC 33:IX.7303.F	
Cumulative Pollutant Loading Rates	
Pollutant	Cumulative Pollutant Loading Rate (kilograms per hectare)
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

3. Table 3—Pollutant Concentrations

Table 3 of LAC 33:IX.7303.F	
Pollutant Concentrations	
Pollutant	Monthly Average Concentration (milligrams per kilogram) ¹
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800
¹ Dry weight basis	

4. Table 4—Annual Pollutant Loading Rates

Table 4 of LAC 33:IX.7303.F	
Annual Pollutant Loading Rates	
Pollutant	Annual Pollutant Loading Rate (kilograms per hectare per 365-day period)
Arsenic	2.0
Cadmium	1.9
Copper	75
Lead	15
Mercury	0.85
Nickel	21
Selenium	5.0
Zinc	140

5. Table 5—Monitoring Frequency (Class B Biosolids)

Table 5 of LAC 33:IX.7303.F Frequency of Monitoring—Land Application (Class B Biosolids)	
Amount of Biosolids ¹ (metric tons per 365-day period)	Frequency
Greater than zero but less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Once per quarter (four times per year)
Equal to or greater than 1,500 but less than 15,000	Once per 60 days (six times per year)
Equal to or greater than 15,000	Once per month (12 times per year)
¹ Either the amount of bulk biosolids applied to the land (on a dry weight basis) or the amount of biosolids that are bagged and sold or given away for application to the land (on a dry weight basis).	

6. Table 6—Monitoring Frequency (Exceptional Quality Biosolids)

Table 6 of LAC 33:IX.7303.F Frequency of Monitoring—Exceptional Quality Biosolids	
Amount of Biosolids ¹ (metric tons per 365-day period)	Frequency
Greater than zero but less than 15,000	Once per quarter (four times per year)
Equal to or greater than 15,000	Once per month (12 times per year)
¹ The amount of biosolids sold or given away either in bulk or in a bag or other container.	

7. Table 7—Once Per Year Reporting Period

Table 7 of LAC 33:IX.7303.F Reporting—Land Application (Class B Biosolids)	
Monitoring Period (Once per Year)	Report Due Date
January – December	February 19

8. Table 8—Once Per Quarter Reporting Period

Table 8 of LAC 33:IX.7303.F	
Reporting—Land Application (Exceptional Quality and Class B Biosolids)	
Monitoring Period ¹ (Once per Quarter)	Report Due Date
January, February, March	August 19
April, May, June	
July, August, September	February 19
October, November, December	
¹ Separate reports must be submitted for each monitoring period.	

9. Table 9—Once per 60 Days (6 Times per Year) Reporting Period

Table 9 of LAC 33:IX.7303.F	
Reporting—Land Application (Class B Biosolids)	
Monitoring Period ¹ (Once per 60 Days)	Report Due Date
January, February	June 19
March, April	
May, June	October 19
July, August	
September, October	February 19
November, December	
¹ Separate reports must be submitted for each monitoring period.	

10. Table 10—Once per Month (12 Times per Year) Reporting Period

Table 10 of LAC 33:IX.7303.F	
Reporting—Land Application (Exceptional Quality and Class B Biosolids)	
Monitoring Period ¹ (Once per Month)	Report Due Date
January	May 19
February	
March	
April	August 19
May	
June	
July	November 19
August	
September	
October	February 19
November	
December	
¹ Separate reports must be submitted for each monitoring period.	

11. Table 11—Slope Limitations

Table 11 of LAC 33:IX.7303.F Slope Limitations for Land Application of Biosolids	
Slope Percent	Application Restriction
0-3	None, except drainage to prevent standing water shall be provided.
3-6	A 100-foot vegetated runoff area should be provided at the down slope end of the application area if a liquid is applied. Measures should be taken to prevent erosion.
6-12	Liquid material shall be injected into the soil. Solid material shall be incorporated into the soil if the site is not covered with vegetation. A 100-foot vegetated runoff area is required at the down slope end of the application area for all applications. Measures shall be taken to prevent erosion. Terracing may be required if deemed a necessity by the administrative authority to prevent runoff from the land application site and erosion.
>12	Unsuitable for application unless terraces are constructed and a 200-foot vegetated buffer area with a slope of less than three percent is provided at the down slope edge of the application area and the material is incorporated (solid material) and injected (liquid material) into the soil. Measures shall be taken to prevent runoff from the land application site and to prevent erosion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:785 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2374 (November 2007), LR 35:929 (May 2009), LR 37:2994 (October 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7305. Siting and Operation Requirements for Commercial Preparers of Sewage Sludge [Formerly §6905]

A. - A.2. ...

B. Siting—Class B Biosolids

1. - 1.m. ...
2. Facility Characteristic—Class B and Exceptional Quality Biosolids
 - a. - b. ...
3. Facility Surface Hydrology—Class B and Exceptional Quality Biosolids
 - a. - d. ...
4. Facility Geology—Class B and Exceptional Quality Biosolids
 - a. - c. ...
5. Facility Plans and Specifications—Class B and Exceptional Quality Biosolids. Facility plans and specifications represented and described in the permit applications or permit modifications for all facilities must be prepared under the supervision of, and certified by, a professional engineer, licensed in the state of Louisiana.
6. Notification of Completion—Class B and Exceptional Quality Biosolids. Within 10 days of completion of the facility or completion of a facility modification, the owner of the facility shall submit a notification of completion to the administrative authority. The notification of completion shall include a certification statement by a professional engineer, licensed in the state of Louisiana, that the facility meets the plans and specifications as described in the Sewage Sludge and Biosolids Use or Disposal permit application.
7. Initial Start-Up Inspection—Class B and Exceptional Quality Biosolids
 - a. - d. ...
- C. Operations—Class B and Exceptional Quality Biosolids
 1. - 2.e....
 - f. The final composted product shall be stable and mature. In addition to meeting the applicable time and temperature for pathogen and vector attraction reduction requirements, proof of the stability and maturity of the final composted product shall be provided by utilizing the applicable methods in the source referenced in LAC 33:IX.7301.K.2.a.x.
3. Facility Closure Requirements
 - a. Notification of Intent to Close a Facility
 - i. All permit holders shall notify the administrative authority in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:
 - (a). the date of planned closure;
 - (b). changes, if any, requested in the approved closure plan; and
 - (c). the closure schedule.
 - b. - b.iii. ...
 - c. Additional Closure Requirements
 - i. Additional closure requirements for commercial preparers of sewage sludge who utilize composting as the process to prepare the sewage sludge and for all other commercial preparers of sewage sludge who prepare an amount of sewage sludge equal to or greater than 15,000 metric tons per year are as follows.
 - (a). The permit holder shall verify that the soils within the facility boundary have not been contaminated in the operation of the facility.

(b). If contamination exists, in order to satisfy the closure requirements of this Section the permit holder must utilize the Risk Evaluation/Corrective Action Program (RECAP) standards in accordance with LAC 33:1.Chapter 13 to the fullest extent possible. Any residual contamination must meet the RECAP standards approved by the administrative authority, including any residual contamination in the underlying and surrounding soils and/or groundwater. Otherwise, the permit holder shall enter into a cooperative agreement with the administrative authority to perform corrective action (i.e., additional closure activities including site investigation, remedial investigation, a corrective action study, and/or remedial action).

d. Closure Inspection. After the closure requirements have been met, the permit holder shall file a request for a closure inspection with the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:794 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2382 (November 2007), LR 35:930 (May 2009), LR 37:2995 (October 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7307. Financial Assurance Requirements for Commercial Preparers of Sewage Sludge and Commercial Land Appliers of Biosolids [Formerly §6907]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:796 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2386 (November 2007), LR 35:931 (May 2009), LR 37:2995 (October 2011), repealed by the Office of the Secretary, Legal Affairs Division, LR 51:

§7309. Pathogens and Vector Attraction Reduction

A. - B. ...

C. Pathogens

1. Exceptional Quality Biosolids

a. The requirements in Subparagraph C.1.b-h of this Section shall be met for biosolids classified as Exceptional Quality biosolids with respect to pathogens.

b. The Exceptional Quality biosolids pathogen requirements in Subparagraphs C.1.c-h of this Section shall be met either prior to meeting or at the same time that the vector attraction reduction requirements in Subsection E of this Section, except the vector attraction reduction requirements in Subparagraphs E.2.d-e.ii of this Section, are met.

c. Exceptional Quality Biosolids—Alternative 1

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of

total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. - ii.(d). ...

* * *

d. Exceptional Quality Biosolids—Alternative 2

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. - ii.(c). ...

e. Exceptional Quality Biosolids—Alternative 3

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. ...

(a). When the density of enteric viruses in the sewage sludge prior to pathogen treatment is less than 1 Plaque-forming Unit (PFU) per 4 grams of total solids (dry weight basis), the sewage sludge is Exceptional Quality biosolids with respect to enteric viruses until the next monitoring episode for the sewage sludge.

(b). When the density of enteric viruses in the sewage sludge prior to pathogen treatment is equal to or greater than 1 Plaque-forming Unit (PFU) per 4 grams of total solids (dry weight basis), the sewage sludge is Exceptional Quality biosolids with respect to enteric viruses when the density of enteric viruses in the sewage sludge after pathogen treatment is less than 1 Plaque-forming Unit (PFU) per 4 grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the sewage sludge that meets the enteric virus density requirement are documented.

ii.(c). - iii.(c). ...

f. Exceptional Quality Biosolids—Alternative 4

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be

less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. - iii. ...

g. Exceptional Quality Biosolids—Alternative 5

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. Sewage sludge that is used or disposed shall be treated in one of the Processes to Further Reduce Pathogens described in LAC 33:IX.7309.D.2.

h. Exceptional Quality Biosolids—Alternative 6

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. - iii. ...

2. Class B Biosolids

a. The requirements in Subparagraph C.2.b-d of this Section shall be met for biosolids classified as Class B biosolids with respect to pathogens. The site restrictions in Subparagraph C.2.e of this Section must be met when biosolids that meet the Class B biosolids pathogen requirements in Subparagraph C.2.b-d of this Section are applied to the land.

b. Class B Biosolids—Alternative 1

i. Seven representative samples of the biosolids that are used or disposed shall be collected.

ii. The geometric mean of the density of fecal coliform in the samples required by Clause C.2.b.i of this Section shall be less than either 2,000,000 Most Probable Number (MPN) per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units (CFU) per gram of total solids (dry weight basis).

c. - e.vi. ...

vii. Public access to land with a high potential for public exposure shall be restricted for one year after application of biosolids, by mean approved by the administrative authority. Examples of land with high

potential for public access includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of biosolids, by means approved by the administrative authority. Examples of land with low potential for public access includes, but it not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

ix. - ix.(c). ...

D. Pathogen Treatment Processes—Exceptional Quality and Class B Biosolids

1. Processes to Significantly Reduce Pathogens (PSRP)

a. **Aerobic Digestion.** Sewage sludge is agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 40 days at 20°C and 60 days at 15°C.

b. **Air Drying.** Sewage sludge is dried on sand beds or on paved or unpaved basins. The sewage sludge dries for a minimum of three months. During two of the three months, the ambient average daily temperature is above 0°C.

c. **Anaerobic Digestion.** Sewage sludge is treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35° to 55°C and 60 days at 20°C.

d. **Composting.** Using either the within-vessel, static aerated pile, or windrow composting methods, the temperature of the sewage sludge is raised to 40°C or higher and remains at 40°C or higher for five days. For four hours during the five days, the temperature in the compost pile exceeds 55°C.

e. **Lime Stabilization.** Sufficient lime is added to the sewage sludge to raise the pH of the sewage sludge to 12 after two hours of contact.

2. Processes to Further Reduce Pathogens (PFRP)

a. **Composting.** Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the sewage sludge is maintained at 55°C or higher for three days. Using the windrow composting method, the temperature of the sewage sludge is maintained at 55°C or higher for 15 days or longer. During the period when the compost is maintained at 55°C or higher, there shall be a minimum of five turnings of the windrow.

b. **Heat Drying.** Sewage sludge is dried by direct or indirect contact with hot gases to reduce the moisture content of the sewage sludge to 10 percent or lower. Either the temperature of the sewage sludge particles exceeds 80°C or the wet bulb temperature of the gas in contact with the sewage sludge as the sewage sludge leaves the dryer exceeds 80°C.

c. **Heat Treatment.** Liquid sewage sludge is heated to a temperature of 180°C or higher for 30 minutes.

d. **Thermophilic Aerobic Digestion.** Liquid sewage sludge is agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the sewage sludge is 10 days at 55° to 60°C.

e. **Beta Ray Irradiation.** Sewage sludge is irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (approximately 20°C).

f. **Gamma Ray Irradiation.** Sewage sludge is irradiated with gamma rays from certain isotopes, such as 60Cobalt and 137Cesium, at dosages of at least 1.0 megarad at room temperature (approximately 20°C).

g. **Pasteurization.** The temperature of the sewage sludge is maintained at 70°C or higher for 30 minutes or longer.

E. Vector Attraction Reduction – Class B and Exceptional Quality Biosolids

1. Land Application Requirements

a. One of the vector attraction reduction requirements in Subparagraphs E.2.a-g of this Section shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

b. One of the vector attraction reduction requirements in Subparagraphs E.2.a-h of this Section shall be met when bulk biosolids are applied to a lawn or a home garden.

c. One of the vector attraction reduction requirements in Subparagraphs E.2.a-g of this Section shall be met when biosolids are sold or given away in a bag or other container for application to the land.

2. Procedures to Attain Vector Attraction Reduction for Land Application

a. Volatile Solids Reduction

i. The mass of volatile solids in the biosolids shall be reduced by a minimum of 38 percent (see calculation procedures in *Environmental Regulations and Technology—Control of Pathogens and Vector Attraction in Sewage Sludge*, EPA-625/R-92/013, (most recent edition) U.S. Environmental Protection Agency).

ii. When the 38 percent volatile solids reduction requirement in Clause E.2.a.i of this Section cannot be met for an anaerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37°C. When, at the end of the 40 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 17 percent, vector attraction reduction is achieved.

iii. When the 38 percent volatile solids reduction requirement in Clause E.2.a.i of this Section cannot be met for an aerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge that has a percent solids of 2 percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20°C. When at the end of the 30 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 15 percent, vector attraction reduction is achieved.

b. **Specific Oxygen Uptake Rate (SOUR).** The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20°C.

c. Aerobic Treatment. Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40°C and the average temperature of the sewage sludge shall be higher than 45°C.

d. Alkaline Treatment. The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for two hours and then at 11.5 or higher for an additional 22 hours.

e. Percent Solids. In order to attain vector attraction reduction through percent solids, either of the following must be met:

i. the percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials; or

ii. the percent solids of sewage sludge that does contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials.

f. Injection of Biosolids

i. Biosolids shall be injected below the surface of the land.

ii. No significant amount of biosolids shall be present on the land surface within one hour after the biosolids are injected.

iii. When the biosolids that are injected below the surface of the land are Exceptional Quality biosolids with respect to pathogens, the biosolids shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

g. Incorporation of Biosolids

i. Biosolids applied to the land surface shall be incorporated into the soil within six hours after application to the land, unless otherwise specified by the permitting authority.

ii. When biosolids that are incorporated into the soil are Exceptional Quality biosolids with respect to pathogens, the biosolids shall be applied to the land within eight hours after being discharged from the pathogen treatment process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:806 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2395 (November 2007), LR 35:941 (May 2009), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7311. Incineration

A. - C.2.f. ...

3. In conducting the performance tests required in Paragraph C.2 of this Section, the owner or operator shall use as reference methods and procedures the test methods referenced in LAC 33:IX.7301.K or other methods and procedures as specified in this Section, except as provided for in Subparagraph C.2.b of this Section.

C.4. - D.6.b.iv. ...

* * *

v. samples of the sewage sludge charged to the incinerator shall be collected in nonporous jars at the beginning of each run and at approximately 1-hour intervals thereafter until the test ends, and Part 2540, G. Total Fixed, and Volatile Solids in Solid and Semisolid Samples (the test method indicated in LAC 33:IX.7301.K.2.a.vii) shall be used to determine dry sewage sludge content of each sample (total solids residue), except that:

D.6.v.(a). - I.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:809 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2399 (November 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7313. Standard Conditions Applicable to All Sewage Sludge and Biosolids Use or Disposal Permits

A. - A.4.b. ...

5. Duty to Reapply for an Individual Permit. If the permittee wishes to continue an activity regulated by an existing permit after the expiration date of that permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the administrative authority. The administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit. A permit that was issued in accordance with these regulations and that has expired shall be administratively continued until such time as a decision on an application to continue an activity under the permit has been issued by the administrative authority, if the application was received by the department at least 180 days prior to the permit expiration.

6. Permit Action

a. Termination of Permit. The conditions set forth in LAC 33:IX.2907, 3105, and 6509 as causes for termination of a permit shall apply to permits issued in accordance with these regulations.

b. Modification, Revocation and Reissuance

i. Any permittee shall report to the administrative authority any facility changes in the specific use or disposal practices, the storage, the treatment, or the appropriate transportation of sewage sludge and/or biosolids. Any such changes that are expected to last in excess of 180 days shall be reported by submission of a modified permit application or by submission of notice to the administrative authority of the nature of such facility changes. The permittee shall not commence any facility changes in disposal practices, storage, treatment, or transportation of sewage sludge and/or biosolids without receiving a modified Sewage Sludge and Biosolids Use or Disposal permit or written authorization from the administrative authority. The provisions of this Subsection shall not apply to facility changes that were considered and approved during the permitting process.

ii. When the administrative authority receives any new information or receives a request for modification or revocation, such permit may, after an opportunity for

hearing, be modified, or alternatively revoked and reissued, in whole or in part, for cause, including but not limited to the conditions in LAC 33:IX.2903, 2905, 3105, and 7313.

iii. Only those permit conditions that are subject to modification are reopened for comment in a public hearing. When a permit is revoked and reissued, the administrative authority may either allow only those portions modified to be reopened, or may decide that the entire permit is reopened just as if the permit has expired and is being reissued.

iv. If a permit modification satisfies the following minor modification requirements, the permit may be modified without issuance of a draft permit or public review. Any permit modification not processed as a minor modification shall be made in accordance with a fact sheet and public notice requirements as described in LAC 33:IX.7313. Minor modifications may only:

(a). correct typographical errors;

(b). require a change in the frequency of monitoring or reporting by the permittee;

(c). allow for a change in ownership or operational control of a facility where the administrative authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between new permittees has been submitted to the department;

(d). make changes in other minor provisions within the permit on a case-by-case basis.

v. Modification cannot extend a permit beyond its original five-year duration.

vi. Requests for modification or revocation, and reissuance do not suspend any permit condition during the processing of the request.

7. - 12.i. ...

13. Public Notice of Permit Actions and Public Comment Period

a. The conditions set forth in LAC 33:IX.3113 and 6521 for public notices and the public comment period shall apply to all permits issued in accordance with these regulations.

b. For sewage sludge/biosolids individual permits and master general permits, in lieu of the requirement for publication of a notice in a daily or weekly newspaper, as described in LAC 33:IX.3113.2, the administrative authority may publish all notices of activities as described in LAC 33:IX.3113.A.1 to the department's website. If the administrative authority selects this option for the *draft permit*, as defined in LAC 33:IX.3101, the administrative authority shall post the draft permit and the fact sheet on the website for the duration of the public comment period.

NOTE: The administrative authority is encouraged to ensure that all method(s) of public notice effectively informs all interested communities and allows access to the permitting process for those seeking to participate.

14. Public Comments and Requests for Public Hearings

a. The conditions set forth in LAC 33:I.1505 and IX.3115 for public comments and requests for public hearings shall apply to all permits issued in accordance with these regulations.

b. The conditions set forth in LAC 33:IX.7313.A.13.b shall apply to all permits issued in accordance with these regulations.

A.15. - D. ...

1. Facility Changes. The permittee shall give notice to the administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Anticipated Noncompliance. The permittee shall give advance notice to the administrative authority of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

3. Transfers. A permit is not transferable to any person except after notice to the administrative authority. The administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Louisiana Environmental Quality Act. Except as provided in LAC 33:IX.2901.A, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Louisiana Environmental Quality Act.

4. - 6. ...

7. Availability of Reports. All recorded information concerning permits and permit applications under this Chapter (completed permit application forms, fact sheets, draft permits or any public document) not classified as confidential information under R.S. 30:2030(A) and 2074(D) and designated as such in accordance with LAC 33:IX.2323.A and C and LAC 33:IX.6503 shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq. Claims of confidentiality for the following will be denied:

a. the name and address of any permit applicant or permittee;

b. permit applications, permits, and effluent data; and

c. information required by the sewage sludge and biosolids use or disposal permit application forms provided by the administrative authority. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2406 (November 2007), amended LR 35:941 (May 2009), amended by the Office of the Secretary, Legal Affairs Division, LR 38:2760 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2143 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7315. Fee Schedule

A. - B.2. ...

C. Due Date. Fees shall be received by the department by the due date indicated on the invoice.

D. Late Payment Fee

1. Payments not received within 15 days of the due date will be charged a late payment fee.

2. Any late payment fee shall be calculated from the due date indicated on the invoice.

3. Payments not received by the department by the:
 - a. fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;
 - b. thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and
 - c. sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

E. Failure to Pay. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

F. Refunds. The fees in this Section are nontransferable and nonrefundable.

G. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Louisiana Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

3. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:949 (May 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7317. Signatory Requirements

A. All applications, reports, or information prepared in accordance with this Chapter shall be signed and certified.

1. All applications, reports, or information shall be signed as follows.

a. For a Corporation—by a Responsible Corporate Officer

i. For the purposes of this Section, a responsible corporate officer shall mean:

(a). a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation (These responsible corporate officers are presumed to have the authority to sign permit applications unless the corporation has notified the administrative authority to the contrary); or

(b). the manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized to make management decisions that govern the operation of the regulated facility including:

(i). having the explicit or implicit duty of making major capital investment recommendations; and

(ii). initiating and directing other comprehensive measures to ensure long term compliance with environmental laws and regulations; and

(c). the manager has the authority to ensure that the necessary systems are established or actions are taken to gather complete and accurate information for permit application requirements; and

(d). the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals);

b. for a partnership or sole proprietorship—by a general partner or the proprietor, respectively; or

c. for a municipality or a state, federal, or other public agency—by either a principal executive officer or ranking elected official;

i. for purposes of this Paragraph, a principal executive officer of a federal agency includes:

(a). the chief executive officer of the agency; or

(b). a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of EPA).

2. All reports required by permits, and submission of other information requested by the administrative authority, shall be signed by a person described in Paragraph 1 of this Section, or by a duly authorized representative of that person. For the purposes of this Subparagraph, a person is a duly authorized representative only if:

a. his or her authorization has been made in writing by a person described in Subparagraph 1 of this Section;

b. the authorization specifies either an individual or a position now having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or an individual occupying a named position); and

c. the written authorization is submitted to the administrative authority.

C. Changes to Authorization. If an authorization under Subparagraph 2 of this Section is no longer accurate because a different individual or position now has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Subparagraph 2 of this Section shall be submitted to the administrative authority prior to, or together with, any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under the provisions of Subparagraphs 1 or 2 of this Section shall make the following certification.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 51:

Subchapter B. Appendices

§7395. Financial Assurances Documents—Appendices

A, B, C, D, E, F, G, H, I, and J

[Formerly §7135]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:818 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2519 (October 2005), LR 33:2409 (November 2007), LR 35:941 (May 2009), repealed by the Office of the Secretary, Legal Affairs Division, LR 51:

§7397. Procedure to Determine the Annual Whole

Biosolids Application Rate

(AWBAR)—Appendix A

[Formerly §7131]

A. LAC 33:IX.7303.E.1.c.iv.(b) requires that the product of the concentration for each pollutant listed in Table 3 of LAC 33:IX.7303.F in biosolids sold or given away in a bag or other container for application to the land and the annual whole biosolids application rate (AWBAR) not cause the annual pollutant loading rate for the pollutant in Table 4 of LAC 33:IX.7303.F to be exceeded. This Appendix contains the procedure used to determine the AWBAR for a sewage sludge that does not cause the annual pollutant loading rates in Table 4 of LAC 33:IX.7303.F to be exceeded.

B. - C. ...

* * *

D. The procedure used to determine the AWBAR is presented below.

1. Analyze a sample of the biosolids to determine the concentration for each of the pollutants listed in Table 3 of LAC 33:IX.7303.F in the biosolids.

2. Using the pollutant concentrations from Step 1 and the APLRs from Table 4 of LAC 33:IX.7303.F, calculate an AWBAR for each pollutant using Equation (2) above.

3. The AWBAR for the biosolids is the lowest AWBAR calculated in Step 2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:817 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2417 (November 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7399. Pathogen Treatment Processes—Appendix L

[Formerly §7133]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:817 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2417 (November 2007), repealed by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known adverse impact on small business as described in R.S. 49:974.1 - 974.8. The rewrite of LAC 33:IX.Chapter 73 will lessen the costs to small businesses that are affected by and subject to the Chapter 73 regulations. Any small business currently permitted under the Sewage Sludge and Biosolids Use or Disposal Permit LAJ650000 or the Sewage Sludge and Biosolids Use or Disposal Permit for out-of-state land application will have an annual savings of \$600 and \$2,000, respectively. The LAJ650000 and out-of-state land application permits will no longer be required after promulgation of the rule. Small businesses that meet the applicability of the LAJ660000 Sewage Sludge and Biosolids Use or Disposal permit will no longer have to submit annual reports to the department, only keep them on file.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by WQ113. Such comments must be received no later than June 10, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ113. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/rules-regulations>.

Public Hearing

A public hearing will be held on June 3, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=94258719092> or by telephone by dialing (646) 255-1997 using the meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101;

1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Standards for the Use or Disposal of Sewage Sludge and Biosolids

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs (savings) to state or local governmental units. Changes will be implemented by existing staff.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be a decrease of approximately \$139,800 in the state general fund since the Sewage Sludge and Biosolids Use or Disposal Permits for LAJ650000 and out-of-state land applications will no longer be required.

Currently 143 LAJ650000 permits issued x \$600/year = \$85,800

Currently 27 out-of-state permits issued x \$2,000 /year = \$54,000

Total=\$139,800

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There will be a benefit to directly affected persons, small business, and non-governmental groups with the promulgation of this rule. Any person, small business, or non-governmental groups currently permitted under the Sewage Sludge and Biosolids Use or Disposal Permit LAJ650000 or the Sewage Sludge and Biosolids Use or Disposal Permit for out-of-state land application will have an annual savings of \$600 and \$2,000, respectively. The LAJ650000 and out-of-state land application permits will no longer be required after the promulgation of this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition and employment.

Aurelia S. Giacometto
Secretary
2504#031

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Storage of Volatile Organic Compounds (LAC 33:III.2103) (AQ402)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2103.G (AQ402).

This Rule will clarify that storage vessels subject to recordkeeping requirements of New Source Performance Standards (NSPS) can meet the criteria for exemption from LAC 33:III.2103 under LAC 33:III.2103.G. On March 8, 2024, the U.S. Environmental Protection Agency promulgated new regulations for sources in the oil and natural gas sector (i.e., 40 CFR 60 Subpart OOOOb – Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022). 40 CFR 60.5365b(e) requires owners/operators of certain storage vessels that are not subject to the control requirements of Subpart OOOOb to keep “records of the potential for emissions calculation for the life of the storage vessel.”

Currently, storage vessels cannot be exempt from LAC 33:III.2103 if they are subject to NSPS. Because all new storage vessels storing crude oil or condensate and located at facilities in the crude oil and natural gas source category will now be subject to NSPS, the Rule will clarify that storage vessels cannot be exempt from LAC 33:III.2103 if they are subject to the control requirements of NSPS. The basis and rationale for this Rule are to clarify that storage vessels subject to recordkeeping requirements of NSPS such as 40 CFR 60 Subpart OOOOb can be exempt from LAC 33:III.2103. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - F. ...

G. Exemptions. The provisions of this Section do not apply to:

1. existing and new storage tanks, located in any parish other than the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, used for crude oil or condensate and having a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to the control requirements of New Source Performance Standards;

2. tanks 420,000 gallons (1,589,900 liters) or greater, located in any parish other than the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, used to store produced crude oil or condensate prior to lease custody transfer unless such tanks are subject to the control requirements of New Source Performance Standards;

3. existing and new storage tanks in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge that are used for crude oil or condensate prior to lease custody transfer and that have a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to the control requirements of New Source Performance Standards;

G.4. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007), LR 33:2085 (October 2007), LR 36:2271 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2751 (November 2012), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by AQ402. Such comments must be received no later than June 10, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ402. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/rules-regulations>.

Public Hearing

A public hearing will be held on June 3, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=94258719092> or by telephone by dialing (646) 255-1997 using the meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Aurelia S. Giacometto
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Storage of Volatile Organic Compounds

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change.

The current rule (LAC 33:III.2103) outlines the protocol for the storage of volatile organic compounds. Owners of crude oil and condensate storage vessels that are not subject to New Source Performance Standards (NSPS) are exempt from LAC 33:III.2103. The U.S. Environmental Protection Agency (EPA) promulgated new regulations for sources in the oil and natural gas sector that require owners/operators of certain storage vessels not subject to the control requirements to keep "records of the potential for emissions calculation for the life of the storage vessel."

The proposed rule clarifies that owners of crude oil and condensate storage vessels will maintain exemption status from LAC 33:III.2103 unless the storage vessel is subject to New Source Performance Standards (NSPS) control requirements. New crude oil and condensate storage vessels (installed after December 6, 2022) that are subject to only record-keeping requirements of NSPS, will continue to be exempt from LAC 33:III.2103.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no changes in revenues to the state and local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no costs or economic benefits to DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR non-governmental groups as a result of the proposed rule change. Since these entities are already required to calculate their emissions and maintain their records, no new costs are anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule change.

Aurelia S. Giacometto
Secretary
2504#041

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Home Inspectors

General Rules (LAC 46:XL.309 and 313)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and through the authority granted in R.S. 37:1475(4), notice is hereby given that the Board of Home Inspectors proposes to amend LAC 46:XL.309.C.6 and 313.C.4. The proposed amendment to Section 309.C.6 makes the Section consistent with R.S. 37:1478(B) and provides for the extension of the prohibition against repairing homes inspected to one year after the inspection. The proposed amendment to Section 313.C.4 requires the home inspector to inspect a remote-control transmitter if it is the only other control device.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XL: Home Inspectors

Chapter 3. Standards of Practice

§309. General Exclusions

A. - C.5. ...

6. advertise or solicit to repair, replace, or upgrade, or repair, replace or upgrade for compensation, any system or component of the home which the inspector noted in the inspection report as deficient, in need of repair or replacement, or unsafe for a period of one year following the date of the home inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1478.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004), LR 36:2862 (December 2010), LR 38:2532 (October 2012), LR 41:922 (May 2015), repromulgated LR 41:2339 (November 2015), amended LR 43:314 (February 2017), LR 43:1913 (October 2017), LR 51:

§313. Exterior System

A. - C.3. ...

4. garage door operator remote control transmitters, unless the device is the only control device;

5 - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004), LR 36:2862 (December 2010), LR 38:2532 (October 2012), LR 41:923 (May 2015), LR 51:

Family Impact Statement

The Rule has no known impact on family formation, family stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

The Rule has no known impact on providers as described in HCR 170 of 2014.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for June 6, 2025, at 9 a.m., at the office of the Louisiana State Board of Home Inspectors, 5211 Essen Lane, Suite 9, Baton Rouge, LA 70809. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 10 a.m. that same day. To request reasonable accommodation for persons with disabilities, please call the board office at (225) 248-1334.

Morgan Spinosa
Chief Operating Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: General Rules

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any cost or savings to the state or local government unit other than the cost of promulgation of FY 25, including \$1500 in attorney fees associated with crafting and publishing the rule in the state register.

The proposed rule change does the following:

1. Makes the administrative rule (LAC46:XL.309.C(6)) consistent with that of the Home Inspection Licensing Law (R.S. 37:1478B) by not allowing a home inspector to repair any deficient item listed in a home inspection for one year after the inspection.

2. Provides that home inspectors are to inspect remote control transmitters if that is the only operating device.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Home inspectors who are also licensed contractors may also realize a loss of revenue since they will no longer be able to perform work on items listed in a home inspection as defective or deficient for one year after the inspection.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may increase competition and employment by extending the requirement that a licensed home inspector wait until one year after a home inspection to perform any work on any area of the home that the home inspector listed as defective, unsafe, or deficient in the report. Any immediate repairs will have to be performed by a different contractor, company, or firm. The magnitude of the impact is indeterminable at this time.

Albert J. Nicaud
Board Attorney
2504#011

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Pharmacy

Nonresident Pharmacy (LAC 46:LI.2301 and 2307)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §2301 and §2307 of its rules relative to Nonresident Pharmacy. The proposed Rule change removes §2301.A., which may be confusing and unnecessary when compared to current language in §2309. The proposed Rule change in §2307 reduces the minimum experience requirement for a pharmacist to qualify for a Pharmacist-in-Charge (PIC) privilege from two years of active practice to one year to align with the PIC requirements in Chapter 11.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LI. Pharmacists

Chapter 23. Nonresident Pharmacy

§2301. Purpose

A. This Chapter applies to any place physically located outside the state of Louisiana that provides services in the state of Louisiana where prescription drugs are dispensed and/or pharmacy care is provided to residents of the state of Louisiana. This includes, but is not limited to, pharmacies providing goods and services via U.S. mail carrier, commercial carrier, the Internet, and/or directly to Louisiana residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1380 (December 1992), effective January 1, 1993, LR 29:2099 (October 2003), effective January 1, 2004, amended by the Department of Health, Board of Pharmacy, amended LR 49:680 (April 2023), amended LR 51:

§2307. Pharmacist-in-Charge

A. The opportunity to accept an appointment as the pharmacist-in-charge (PIC) of a pharmacy is a professional privilege. The following requirements are attached to a PIC privilege.

1. The acquisition of the PIC privilege shall require:

a. - b. ...

c. active practice as a pharmacist for a minimum of one year under the jurisdiction of any board of pharmacy in the United States; and

A.1.d. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992), effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), amended by the Department of Health, Board of Pharmacy, LR 43:50 (January 2017), LR 49:680 (April 2023), amended LR 51:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule amendment will allow pharmacists with one year of experience to qualify for a Pharmacist-in-Charge (PIC) position, replacing the current requirement of two years of experience. These changes will benefit pharmacies by expanding the pool of eligible pharmacists for PIC credentials. The proposed Rule amendment will have no effect on workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for

adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule amendment.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed Rule amendment will decrease the minimum experience required for a pharmacist to qualify for a PIC privilege.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no impact on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed Rule amendment will allow the provider to provide the same level of service with a PIC with a minimum of one year of experience as a pharmacist instead of a minimum of two years.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr.,

Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendments. The deadline for the receipt of all written comments is 12 p.m. on Tuesday, May 27, 2025.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for 9 a.m. on Tuesday, May 27, 2025 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Nonresident Pharmacy

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Board of Pharmacy is approximately \$500 in FY 25 and \$500 in FY 26 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated economic losses resulting from these proposed rule changes. These changes will benefit nonresident pharmacies by lowering the minimum experience requirement for pharmacists to obtain a Pharmacist-in-Charge (PIC) credential. Under these changes, pharmacists with one year of experience will be eligible to serve as PIC, rather than the current requirement of two years of experience.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will allow pharmacists with one year of experience to qualify for a Pharmacist-in-Charge (PIC) position, replacing the current requirement of two years of experience. These changes will benefit pharmacies by expanding the pool of eligible pharmacists for PIC credentials. Additionally, an estimated increase in competition is anticipated.

M. Joseph Fontenot, Jr.
Executive Director
2504#022

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Pharmacy

Pharmacy Technician Certificate Qualifications (LAC 46:LIII.905)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §905 of its rules relative to pharmacy technician certificate qualifications. In response to Act 253 of the 2024 Louisiana Legislature, the proposed Rule change removes the practice requirement placed upon a pharmacy technician applicant from another state and recognizes the exception provided by the Act in regard to the examination requirement.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 9. Pharmacy Technicians

§905. Pharmacy Technician Certificate

A. - A.3.b. ...

c. In the event the applicant is currently licensed, registered, or otherwise credentialed by another state board of pharmacy for at least one year as a pharmacy technician in that state, the applicant shall demonstrate successful completion of a board-approved pharmacy technician certification examination, with the exception provided by the Welcome Home Act, R.S. 37:51 et seq.

4. ...

B. - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2486 (November 2004), effective January 1, 2005, amended LR 38:1235 (May 2012), LR 39:1777 (July 2013), amended by the Department of Health, Board of Pharmacy, LR 43:2497 (December 2017), effective January 1, 2018, amended LR 46:576 (April 2020), amended LR 51:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule change could have an effect on employment by increasing the number of credentialed pharmacy technicians. However, the impact is not measurable and is expected to be negligible.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule amendment.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no impact on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Tuesday, May 27, 2025.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule change is scheduled for 9 a.m. on Tuesday, May 27, 2025 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Pharmacy Technician Certificate Qualifications

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed Rule change. The cost for the Louisiana Board of Pharmacy is approximately \$500 in FY 25 and \$500 in FY 26 for the notice and Rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed Rule changes are not anticipated to impact the revenue collections of state or local governmental units. No revenue will be generated for the Board of Pharmacy from the pharmacy technician certification examination.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated economic losses resulting from this proposed Rule change. The proposed Rule change will benefit pharmacy technician applicants that have been credentialed by another state board of pharmacy who wish to obtain a credential in this state by removing the requirement to have practiced for at least one year as a pharmacy technician in that state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change could have an effect on employment by increasing the number of credentialed pharmacy technicians. However, the impact is not measurable and is expected to be negligible.

M. Joseph Fontenot, Jr.
Executive Director
2504#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Pharmacy

Practitioner CDS License (LAC 46:LIII.2705)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §2705 of its rules relative to a controlled dangerous substance (CDS) license for practitioners. The proposed Rule change is pursuant to Act 444 of the 2022 Regular Session of the Louisiana Legislature which expanded the authority to issue recommendations for medical marijuana to “authorized clinicians,” defined to include physicians, advanced practice registered nurses with prescriptive authority, and medical psychologists. The proposed Rule change in §2705.C.4. allows an “authorized clinician” as identified in R.S. 40:1046.B. to apply for and be issued a CDS license to authorize the prescription or recommendation of medical marijuana.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 27. Controlled Dangerous Substances

Subchapter B. Licenses

§2705. Licenses and Exemptions

A. - C.3. ...

4. An “*authorized clinician*”, as identified in R.S. 40:1046.B., may apply for and be issued a CDS license to authorize the prescription or recommendation of the following controlled substances classified in Schedule I: marijuana, tetrahydrocannabinols, and synthetic derivatives of tetrahydrocannabinols; provided however that such

prescriptions or recommendations shall only be authorized for therapeutic use in compliance with R.S. 40:1046.

D. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2129 (October 2008), amended LR 39:312 (February 2013), amended by the Department of Health, Board of Pharmacy, LR 46:570 (April 2020), LR 47:1640 (November 2021), LR 48:494 (March 2022), amended LR 51:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule amendment will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no

effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule amendment.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule amendment will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-

1700. He is responsible for responding to inquiries regarding the proposed Rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Tuesday, May 27, 2025.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule change is scheduled for 9 a.m. on Tuesday, May 27, 2025 at the board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Practitioner CDS License

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Board of Pharmacy is approximately \$500 in FY 25 and \$500 in FY 26 for the notice and Rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units. Advanced practice registered nurses (APRNs) with prescriptive authority and medical psychologists currently in possession of a Louisiana controlled dangerous substance (CDS) license from the Board of Pharmacy who wish to add the schedule I privilege to their existing CDS license schedules, would simply send an email request to the board, there is no fee for the addition.

For individuals who do not currently hold a CDS license, the process remains the same—they must apply for the license and pay the associated fee. However, the proposed Rule change includes Schedule I privileges to and do not incur any additional cost.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Advanced practice registered nurses with prescriptive authority and medical psychologists could potentially see an economic benefit if they expand their current scope of practice to include medical marijuana recommendations. However, the potential economic benefit of this rule change for these providers is indeterminable. There are no other anticipated economic costs or benefits resulting from this proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment.

M. Joseph Fontenot, Jr.
Executive Director
2504#023

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Health Standards Section

Case Management—Licensing Standards
(LAC 48:I.Chapter 49)

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.4901, §4925, §4931, and §4973 as authorized by R.S. 36:254 and R.S. 28:380-451. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the licensing of case management in order to: (1) modify qualifications for case managers and supervisors, (2) adjust the timeframe in which providers must respond to the department's written report of licensing inspection findings, (3) change how often a case manager must conduct visits with the consumer/guardian as part of the linkage and monitoring/follow-up process, and (4) require the development of policy and procedure for preventing, responding to, reporting, and mitigating instances of healthcare workplace violence.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 49. Case Management

§4901. Personnel Standards

A. Staff Qualifications

1. - 2.c....

d. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in accordance with §4901.A.2.c.; or

e. a bachelor's or master's degree in a field other than listed above, if approved by the Office for Citizens with Developmental Disabilities (OCDD) and the Bureau of Health Services Financing (BHSF).

3. - 3.d....

4. Case management supervisors hired or promoted on or after October 1, 2021, shall meet the following qualifications for education and experience:

a. - c. ...

d. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in §4901.A.4.c, and two years of paid post degree experience in providing support coordination services; or

e. a bachelor's or master's degree in a field other than listed above, if approved by OCDD and the BHSF.

B. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:885 (August 1994), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1305 (September 2021), amended by the Louisiana Department of Health, Health Standards Section, LR 51:

§4925. Licensing Inspections

A. Licensing inspections must generally be completed annually, but may occur at any time. No advance notice may be given. Licensors must be given access to the provider office site, staff members or consumers, and all relevant files and records. Licensors must explain the licensing process in an initial interview and must report orally on any deficiencies found during the inspection prior to leaving the agency. A written report of findings must be forwarded to the provider. The provider must respond to the deficiencies cited with a plan of corrective action acceptable to the secretary within 10 working days of receipt.

AUTHORITY NOTE: Promulgated in accordance with R. S. 28:380-451.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:888 (August 1994), amended by the Louisiana Department of Health, Health Standards Section, LR 51:

§4931. Case Management/Service Coordination Services

A. - A.4.c. ...

5. Monitoring/follow-up, which must include ongoing interaction with the consumer/guardian, family members and professionals (as appropriate), and service providers to ensure that the agreed upon services are provided in a coordinated and integrated manner and are adequate to meet the needs and stated goals of the service plan. The case manager must conduct at a minimum, quarterly visits with the consumer/guardian as part of the linkage and monitoring/follow-up process.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:380-451.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:888 (August 1994), amended by the Louisiana Department of Health, Health Standards Section, LR 51:

§4973. Personnel Practices

A. The provider must have written employment and personnel policies which include:

1. ...

2. a description of hiring practices, which includes a policy against discrimination based on race, color, religion, sex, age, national origin, handicap, political beliefs, disabled veteran, veteran status or any other nonmerit factor;

3. a description of procedures for: employee evaluation, promotion, disciplinary action, termination, and hearing of employee grievances; and

4. preventing, responding to, reporting, and mitigating instances of healthcare workplace violence.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:380-451.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 20:893 (August 1994), amended by the Department of Health, Health Standards Section, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may have an indeterminable impact on the staffing level requirements or qualifications required to provide the same level of service, the direct or indirect cost to small businesses, or to the provider's ability to provide the same level of service as described in HCR 170. The proposed Rule may indeterminable economic benefit to licensed case management providers associated with broadening the applicant pool.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have an impact on the staffing level requirements or qualifications required to provide the same level of service, the direct or indirect cost to the provider, or to the provider's ability to provide the same level of service as described in HCR 170. The proposed Rule may indeterminable economic benefit to licensed case management providers associated with broadening the applicant pool.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. May 28, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, Louisiana 70821-0629; however, such request must be received no later than May 12, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 27, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, Louisiana. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 12, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Case Management—Licensing
Standards**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation. It is anticipated that \$864 will be expended in FY 25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the licensing of case management providers to: (1) modify qualifications for case managers and supervisors to broaden the applicant pool, (2) adjust the timeframe in which providers must respond to the department's written report of licensing inspection findings from 15 to 10 days, (3) change how often a case manager must conduct visits with the consumer/guardian as part of the linkage and monitoring/follow-up process from monthly to a minimum of quarterly, and (4) require the development of policy and procedure for preventing, responding to, reporting, and mitigating instances of healthcare workplace violence.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no impact on state revenue collections. This is a licensing rule that does not add any licensing fees.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

It is anticipated that this proposed rule may have an indeterminable economic benefit to licensed case management providers associated with broadening the applicant pool.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

It is anticipated that this proposed rule may have an indeterminable impact on the staffing level requirements or qualifications required to provide the same level of service.

Tasheka Dukes, RN
Deputy Assistant Secretary
2504#037

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Health Standards Section**

Hospitals—Licensing Standards
(LAC 48:I.Chapters 93-95)

The Department of Health, Health Standards Section (the department), proposes to amend LAC 48:I.Chapters 93-95 and adopt §9334 as authorized by R.S. 36:254, R.S. 40:1300.55, and R.S. 40:2100 – 2115. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the licensing of hospitals in order to comply with the requirements of the following Acts of the 2024 Regular Session of the Louisiana Legislature: Act 122 that requires hospital providers to, prior to discharge following birth,

provide the mother and her family members information about post-birth warning signs, including symptoms and available resources; Act 398 relative to the installation and use of newborn safety devices as infant relinquish sites; Act 588 relative to the location of psychiatric facilities; Act 666 that allows for patient designation of an essential caregiver; and Act 737 that provides for discharge procedures and educational documents.

In compliance with Acts 122, 398, 588, and 737, the department hereby proposes to amend the provisions governing the licensing of hospitals in order add the definition of forensic psychiatric hospital, to adjust requirements for the minimum contents of patient medical records, to add requirements for certain resuscitation equipment and supplies when a newborn safety device is located inside a hospital, and to update client discharge processes. Also, in compliance with Act 666, the department proposes to adopt provisions for the designation of an essential caregiver and circumstances for visitation.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 93. Hospitals

Subchapter A. General Provisions

§9303. Definitions

A. The following definitions of selected terminology are used in connection with Chapter 93 through Chapter 96.

Forensic Psychiatric Hospital—a psychiatric hospital that provides treatment for individuals who are in the legal custody of penal authorities or under the jurisdiction of penal authorities.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2400 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:513 (March 2010), LR 37:3028 (October 2011), LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1475 (October 2019), LR 49:1221 (July 2023), LR 49:1934 (November 2023), amended by the Department of Health, Health Standards Section, LR 50:1279 (September 2024), LR 50:1473 (October 2024), LR 51:

§9305. Licensing Process

A. Procedures for Initial Licensing. The LDH is the only licensing authority for hospitals in the state of Louisiana.

1. Any person, organization or corporation desiring to operate a hospital shall make application to the LDH on forms prescribed by the department. Such forms may be obtained electronically via the LDH, HSS website, or from the LDH, HSS.

A.2. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 16:971 (November 1990), LR 21:177 (February 1995), LR 29:2401 (November 2003), amended by the Department of Health and

Hospitals, Bureau of Health Services Financing, LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1074 (June 2023), amended by the Department of Health, Health Standards Section, LR 50:1475 (October 2024), LR 51:

Subchapter B. Hospital Organization and Services

§9317. Governing Body

- A. ...
- B. The governing body shall:
 - 1. - 2. ...
 - 3. appoint an administrator;
- B.4. - E.4. ...
- F. All off-site campuses operating under the license of a single provider institution (i.e., a hospital with a main facility and off-site campuses) are subject to the control and direction of one common governing body that is responsible for the operational decisions of the entire hospital enterprise.

- 1. - 4. ...
 - 5. The off-site campus director is under the day-to-day supervision of the provider, as evidenced by:

- a. - b. ...
 - c. the off-site campus director or the individual responsible for the day-to-day operations at the site is accountable to the provider's administrator and reports through that individual to the provider's governing body; and

F.5.d. - G.1.e. ...
AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2405 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1479 (October 2024), LR 51:

§9321. Medical Staff

A. The medical staff develops and adopts bylaws and rules for self-governance of professional activity and accountability to the governing body. In addition to physicians and dentists, the medical staff membership shall include licensed healthcare practitioners as appropriate to adequately meet the needs of the patients served by the hospital. The bylaws and rules shall contain provisions for at least the following.

- 1. The medical executive committee shall:
 - a. - c. ...
 - d. make recommendations for membership to medical staff, for approval by the governing body, with initial appointments and reappointments not to exceed three years;

- 1.e. - 6....
 - 7. There shall be total integration of the organized medical staff as evidenced by these factors:

- a. - b. ...
 - c. the medical director of the off-site campus (if the off-site campus has a medical director) maintains a day-to-day reporting relationship to the chief of medical staff or other similar official of the provider.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR

21:177 (February 1995), LR 29:2406 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1481 (October 2024), LR 51:

§9323. Administration

- A. ...
- B. The administrator of the hospital shall have at least one of the following qualifications:

B.1. - G.5. ...
AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2407 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1481 (October 2024), LR 51:

§9327. Emergency Services

- A. - D. ...
- E. Personnel

1. The emergency services shall make provisions for physician coverage at all hours and a qualified member of the medical staff shall be designated to supervise emergency services. There shall be a registered nurse and other nursing service personnel qualified in emergency care to meet written emergency procedures and needs anticipated by the hospital. All registered nurses working in emergency services shall be trained in advanced cardiac life support, pediatric trauma, and pediatric advanced life support.

E.2. - G.5. ...
AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2407 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1481 (October 2024), LR 51:

§9334. Designation of an Essential Caregiver and Circumstances for Visitation

A. The provisions of this Section regarding visitation by a designated essential caregiver (DEC), shall apply to all hospitals licensed by the department, except for a licensed hospital that is designated as a forensic psychiatric facility.

B. Any patient may designate at least one visitor who is a family member, friend, guardian, or other individual as a DEC.

1. The DEC shall not be required to provide advance notice of the intent to visit the patient.

2. The visits of the DEC, as provided in this Section, shall not be constrained for any reason other than medical necessity, which shall include medical procedures and emergencies.

3. The hospital providing necessary care to the patient, shall not require the DEC to provide such care.

C. Each hospital shall have written policies and procedures that require a DEC to agree in writing to follow such policies and procedures.

1. The hospital may suspend in-person visitation for a DEC, if he or she violates the hospital's visitation policies and procedures, and if otherwise restricted by law or by order of the court.

D. In addition to the DEC, a hospital shall allow access to a religious or spiritual support person in accordance with R.S. 40:2005.1, or current law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:1300.55.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 51:

Subchapter D. Pharmaceutical Services

§9353. Delivery of Services

A. - I. ...

J. Abuses and losses of controlled substances shall be reported to the individual responsible for pharmaceutical services, the administrator, the Louisiana Board of Pharmacy, and to the Regional Drug Enforcement Administration (DEA) office, as appropriate.

K. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), LR 29:2411 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1279 (September 2024), LR 50:1484 (October 2024), LR 51:

Subchapter H. Medical Record Services

§9389. Content

A. The medical record shall contain the following minimum data:

1. - 7. ...

8. record of all medical care or treatments;

9. discharge summary; and

10. documents, records, photos, testimonials, and other significant health-related collateral information provided by a patient's family member, caregiver, friend, or licensed healthcare practitioner when deemed relevant to the patient's care or treatment by the licensed healthcare practitioner.

B. - B.5.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2415 (November 2003), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter I. Quality Assessment and Improvement

§9405. Patient Care Services

A. ...

B. The hospital shall also have an effective, on-going discharge planning program that facilitates the provision of follow-up care. Each patient's record shall be annotated with a note regarding the nature of post hospital care arrangements. Discharge planning shall be initiated in a timely manner. Patients, along with necessary medical information (e.g., the patient's functional capacity, nursing and other care requirements, discharge summary, referral forms) shall be transferred or referred to appropriate facilities, agencies or outpatient services, as needed, for follow-up or ancillary care.

1. - 3. ...

4. If a patient has been admitted for inpatient behavioral healthcare services pursuant to an emergency certificate issued in accordance with R.S. 28:53, the hospital shall make a reasonable effort to:

a. provide written or telephonic notification to any licensed healthcare practitioner that has been providing behavioral health services to the patient, if known, of the date and time the patient has been scheduled to be discharged, unless the patient objects to that information being communicated;

b. provide written or telephonic notification with 24 hours of discharge to any licensed healthcare practitioner that the patient is being referred to follow-up behavioral health services;

i. the notification shall include a summary of the patient's medical history and any current mental health conditions the patient is suffering from at the time of discharge, and shall be provided no later than the date the patient has been scheduled for follow-up behavioral services.

5. Prior to or at the time of discharge, the hospital shall:

a. provide information directed to the patient and the patient's family members, caregivers, or friends about the warning signs of self-harm, and the importance of seeking behavioral health services after an admission pursuant to an emergency certificate has ended;

b. instruct the patient and the patient's family members, caregivers, or friends to seek assistance from a licensed healthcare practitioner to provide ongoing care; and

c. clarify that medical privacy laws do not prevent a family member, friend, or other loved one from communicating the patient's condition to a licensed healthcare practitioner that has been treating the patient.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2417 (November 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 43:74 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:1487 (October 2024), LR 51:

Subchapter K. Infection Prevention and Control

§9425. Responsibilities

A. The administrator, the medical staff, and the director of nursing services shall ensure that the hospital-wide quality assessment and improvement program and training programs address problems identified by the infection control officer(s). They shall be responsible for the implementation of successful corrective action plans in affected problem areas. Infection control activities or programs conducted or instituted in different departments of the hospital shall have the approval of the infection control officer(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2419 (November 2003), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter O. Outpatient Services (Optional)

§9471. Personnel

A. ...

B. There shall be an RN on the observation unit as long as there are patients admitted to the unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2423 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1490 (October 2024), LR 51:

Subchapter R. Psychiatric Services (Optional)

§9495. General Provisions

A. - B. ...

C. No forensic psychiatric hospital issued an initial license after August 1, 2024, shall be constructed, located, or established within 1000 feet of a public or private elementary or secondary school or any site on which a public or private elementary or secondary school was formerly located.

1. This Subsection shall not apply to a forensic psychiatric hospital issued an initial license before August 1, 2024, that seeks to renew its license.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 21:177 (February 1995), amended LR 29:2425 (November 2003), amended by the Department of Health, Health Standards Section, LR 50:1491 (October 2024), LR 51:

Subchapter S. Obstetrical and Newborn Services (Optional)

§9507. Obstetrical Units

A. - C. ...

D. The obstetrical unit shall provide the mother and her family members with information about post-birth warning signs, including symptoms and available resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2427 (November 2003), amended LR 33:284 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:75 (January 2017), LR 51:

Subchapter U. Alternative Birthing Units

§9555. Program Requirements

A. - E. ...

F. Patient and/or Patient's Family Educational Requirements. The following educational programs are required to be completed by the patient and/or patient's family as determined by the policy and procedures of the ABU prior to discharge:

1. - 16. ...

17. instruction as to the clothing/supplies needed at the time of discharge from the center;

18. a family instructional program; and

19. the ABU shall provide the mother and her family members with information about post-birth warning signs, including symptoms and available resources.

G. - G.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:1099 (June 2014), amended by the Department of Health, Health Standards Section, LR 50:1495 (October 2024), LR:51:

Subchapter V. Newborn Safety Devices

§9573. General Provisions

A. In accordance with the Louisiana Children's Code (La. Ch. art. 1149 et seq.), a parent may leave an infant in a newborn safety device (NSD) that is located in a licensed hospital that is staffed continuously 24 hours per day, seven days a week, and 365 days a year.

1. The employee who mans the NSD shall be an emergency response provider as defined in 6 U.S.C. 101, and shall be certified in neonatal resuscitation and pediatric advanced life support.

B. - C.3. ...

D. The hospital shall be responsible for:

1. - 2.d....

3. obtaining Department of Health (LDH), Health Standards Section (HSS) approval prior to the use of the NSD;

4. submission of written notification to the LDH, HSS of the hospital's intent to implement the use of the device;

5. ensuring neonatal and pediatric resuscitation equipment and supplies are readily available in the immediate area of the NSD; and

6. ensuring policies and procedures addressing the responsibility of staff who man the NSD.

E. - G. ...

H. The hospital shall install a cardholder adjacent to the NSD and shall keep the cardholder stocked with safe haven informational cards and other safe haven informational materials produced in accordance with La. Ch. Code 1160 and required by the Department of Children and Family Services, in an envelope conspicuous and readily available in the newborn safety device for the relinquishing parent.

I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2100 -2115.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:498 (March 2022), amended by the Department of Health, Health Standards Section, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has

been considered. It is anticipated that this proposed rule may have an indeterminable impact on staffing level requirements and qualifications, and/or direct or indirect costs for those hospital facilities that choose to have a newborn safety device installed, but will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 28, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 12, 2025. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 27, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 12, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Drew P. Maranto
Interim Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hospitals—Licensing Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation. It is anticipated that \$1,296 will be expended in FY 25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

The proposed rule amends the provisions governing the licensing of hospitals in order to comply with the requirements of Acts 122, 398, 588, 666, and 737 of the 2024 Regular Session of the Louisiana Legislature. As such, the department hereby proposes to add the definition of forensic psychiatric hospital, to adjust requirements for the minimum contents of patient medical records, to add requirements for certain resuscitation equipment, supplies, and staff when a newborn safety device is located inside a hospital, and to update client discharge processes. Also, in compliance with Act 666, the department proposes to adopt provisions for the designation of an essential caregiver and circumstances for visitation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no impact on state revenue collections. This is a licensing rule that does not add any licensing fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that this proposed rule may have an indeterminable impact on the direct or indirect cost to hospital facilities that choose to have a newborn safety device installed, as well as a potential cost associated with updated documentation required by the updated client discharge process.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that this proposed rule may have an indeterminable impact on the staffing level requirements or qualifications required to provide the same level of service for those hospital facilities that choose to have a newborn safety device installed.

Tasheka Dukes, RN
Deputy Assistant Secretary
2504#036

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 133—Adequate Payment of Pharmacy and Pharmacist Claims (LAC 37:XIII.Chapter 203)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate Regulation 133—Adequate Payment of Pharmacy and Pharmacist Claims. Regulation 133 implements R.S. 22:1860.3(E) relative to reimbursement of pharmacy and pharmacist claims at no less than the acquisition cost for covered drugs, devices, or services. To carry out the intent of the legislature based on Act No. 768 of the 2024 Regular Session and assure full compliance with the applicable statutory provisions, this regulation sets forth payment a set of minimum payment system design standards to govern pharmacy benefit manager pharmacy and pharmacist reimbursement strategies.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 203. Regulation Number 133—Adequate Payment of Pharmacy and Pharmacist Claims

§20301. Purpose

A. The purpose of Regulation 133 is to implement R.S. 22:1860.3(E) relative to reimbursement of pharmacy and pharmacist claims at no less than the acquisition cost for covered drugs, devices, or services. To carry out the intent of the legislature and assure full compliance with the applicable statutory provisions, this regulation sets forth payment a set of minimum payment system design standards to govern pharmacy benefit manager pharmacy and pharmacist reimbursement strategies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1860.3, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20303. Scope and Applicability

A. Except as otherwise specifically provided, the requirement of Regulation 133 applies to all reimbursements of a pharmacy or pharmacist by pharmacy benefit managers and all entities acting on behalf of a pharmacy benefit manager where the pharmaceutical drug transaction being reimbursed occurred in Louisiana or is otherwise subject to the laws of the state of Louisiana. This shall exclude, reimbursements made by a pharmacy benefit manager or an entity acting on behalf of a pharmacy benefit manager in administering the pharmacy benefit of an employee welfare benefit plan, as defined in the Employee Retirement Income Security Act of 1974 (ERISA). The requirements of Regulation 133 apply to a health plan of the state or political subdivision unless such plan is governed by the office of group benefits.

B. Notwithstanding any provision to the contrary in any contract, any and all contracts shall comply with Regulation 133 as of January 1, 2025.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1860.3, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20305. Definitions

Acquisition Cost—the price at which the pharmacy or pharmacist making the claim for reimbursement actually acquires a drug, device, or service using customary suppliers and less any discounts, rebates, price concessions, or other reductions reasonably expected to be received by the pharmacy or pharmacist as a result of the acquisition.

Adjustment—a percentage-based change to the prescription drug pricing benchmark, such as average wholesale price or national average drug acquisition cost, applied uniformly across a class of drugs.

Claim Payment Error—a pharmacy or pharmacist claim payment amount that fails to reimburse at or above acquisition cost.

Commissioner—the commissioner of Insurance.

Department—the Louisiana Department of Insurance.

NADAC—the set of National Average Drug Acquisition Costs as calculated by the Centers for Medicaid and Medicaid Services and reflected in the most recently released public file.

Pharmacy—a pharmacy, pharmacy owner, pharmacy employee, or agent thereof, where the pharmacy or pharmacy owner does not own more than five shares or a five percent interest in a pharmaceutical wholesale group purchasing organization or vendor of any covered drug, device, or service.

Pharmacy Benefit Manager—an entity that administers or manages a pharmacy benefits plan or program, or person acting on its behalf.

Reimbursement Formula—a prescription drug reimbursement calculation involving an ingredient price, calculated based on a prescription drug pricing benchmark plus an adjustment factor, and a professional dispensing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1860.3, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20307. Pharmacy Benefit Manager Compliance Program

A. A pharmacy benefit manager may comply with R.S. 22:1860.3(E) by meeting all of the following requirements:

1. Adopting a reimbursement formula using either NADAC as the prescription drug pricing benchmark or, with prior written approval by the commissioner, an alternative prescription drug pricing benchmark that results in claim payment errors that are both comparable to or less than NADAC in terms of frequency and smaller than NADAC in terms of magnitude;

2. Adopting a reimbursement formula using an adjustment factor that, based on claims experience data available to the PBM, is reasonably expected to result in a claim payment error rate of no more than 2 percent; and

3. Adopting the appeal process described in Paragraph B.

B. A pharmacy benefit manager shall provide an appeal process through which pharmacists may challenge claim payment errors that meets at least the following requirements:

1. A network pharmacy contract executed by and between a pharmacy benefit manager and a pharmacy located in Louisiana shall, at a minimum, contain a provision expressly acknowledging that if a Louisiana pharmacy's reimbursement for any covered drug, or device, is less than the pharmacy's acquisition cost for that drug or device, the pharmacy has the right to appeal that reimbursement and, if successful, receive additional payment so that the total reimbursement is equal to the pharmacy's demonstrated acquisition cost. The contact person shall then direct the pharmacy to the pharmacy benefit manager's electronic and written appeal locations.

2. Permit appeals to be filed for a period of fifteen days following the applicable fill date.

3. If an appeal is filed with the pharmacy benefit manager, the pharmacy must include a written invoice from the wholesaler that includes the drug name, national drug code number, purchase date, and cost of the drug. In addition to providing the invoice, the pharmacist must include an estimate of discounts, rebates, price concessions, or other reductions reasonably expected to be received by the pharmacy or pharmacist as a result of the acquisition that can be allocated to and subtracted from the invoice.

4. If a claim payment error occurred, the pharmacy benefit manager shall make an additional payment to the pharmacy to increase the reimbursement amount to the acquisition cost.

5. If a pharmacy benefit manager determines that a claim payment error did not occur, it shall provide the pharmacy or pharmacist with an explanation of why it has upheld the payment, including a specific documentation of the acquisition cost on the date of service. Such explanation shall be provided electronically or in writing through customary means of communication between the pharmacy benefit manager and the pharmacy or pharmacist. Such

explanation shall also include a notice in at least 10-point font stating that, if the pharmacy or pharmacist disagrees with the decision, the pharmacy or pharmacist may file a complaint with the department at: <https://www.lidi.la.gov/onlineservices/ConsumerComplaintForm>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1860.3, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20309. Pharmacy Benefit Manager Alternative Compliance Option

A. A pharmacy benefit manager may comply with R.S. 22:1860.3 without adopting the compliance program described in §20307 by adopting a payment system that reimburses based on price invoices from a pharmacy or pharmacist. A pharmacy benefit manager that adopts such structure, however, shall continue to be responsible for meeting all timely claim payment requirements. Verification of the invoiced price is an element of claim review, as described in R.S. 22:1856.1, and not of the adjudication process referenced in R.S. 22:1854. It does not, therefore, toll the running of timely claim payment requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1860.3, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20311. Severability

A. If any Section or provision of Regulation 133 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions that can be given effect without the invalid sections or provisions or application, and for these purposes, the Sections or provisions of this regulation and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1860.3, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended and repealed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended and repealed regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended and repealed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended and repealed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended and repealed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended and repealed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the Rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended and repealed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended and repealed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended and repealed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended and repealed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended and repealed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed amended and repealed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed amended and repealed regulation is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed amended and repealed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended and repealed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended and repealed regulation should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended and repealed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-7851, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., May 10, 2025.

Timothy J. Temple
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Regulation 133—Adequate Payment of Pharmacy and Pharmacist Claims

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule change is being implemented to carry out the intent of the legislature based on Act 768 of the 2024 Regular Session and to ensure full compliance with the applicable statutory provisions. Since Act 768 was effective on 1/01/2025, there is no fiscal impact. This regulation sets forth a set of minimum payment system design standards to govern pharmacy benefit manager pharmacy and pharmacist reimbursement strategies. Therefore, this regulation only creates a pathway for complying with Act 768, and industry costs are anticipated to change as a result of this Act.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no impact on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will benefit directly affected persons by carrying out the intent of the legislature based on Act 768 of the 2024 Regular Session and ensuring full compliance with the applicable statutory provisions. This regulation sets forth a set of minimum payment system design standards to govern pharmacy benefit manager pharmacy and pharmacist reimbursement strategies. Insurers could choose the cheaper of

direct compliance with the Act or use of the safe harbor in regulation, which could slightly reduce costs, creating modest industry savings, mostly in reduced administrative costs. However, the regulation itself will be cost neutral for the industry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact upon competition and employment in the state.

Chris Cerniauskas
Chief of Staff
2504#001

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 134—Insurance Regulatory Sandbox Program
(LAC 37:XIII.Chapter 203)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate Regulation 134—Insurance Regulatory Sandbox Program.

The Insurance Regulatory Sandbox Act was enacted through the passage of Act 229 of the 2024 Regular Session of the Louisiana Legislature which allows the Insurance commissioner to grant temporary waivers from certain insurance laws and regulations to facilitate the introduction of innovative insurance products and services. Regulation 134 sets forth the standards and procedures relative to a person's participation in the Insurance Regulatory Sandbox Program.

Title 37 INSURANCE

Part XIII. Regulations

Chapter 203. Regulation Number 134—Insurance Regulatory Sandbox Program

§20301. Purpose

A. The purpose of Regulation 134 is to exercise the authority and carry out the duties and responsibilities of the commissioner for implementation and regulation of the Insurance Regulatory Sandbox Program, hereinafter referred to as the "Regulatory Sandbox." Regulation 134 sets forth rules and procedural requirements which the commissioner deems necessary for participation in the Regulatory Sandbox.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20303. Applicability and Scope

A. Regulation 134 shall apply to all persons that apply to participate in the Regulatory Sandbox in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20305. Pre-Application Conference

A. The applicant may request in writing or by electronic means a pre-application conference to discuss the nature of the offering. Requests must be made in writing or by electronic means to the commissioner through the Office of Policy, Innovation and Research. The commissioner has 10 days to respond to such requests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20307. Definitions

A. Strictly for the purposes of Regulation 134, the following terms are defined as follows:

Applicant—the person or business entity applying for an innovation waiver.

Commissioner—the Louisiana Commissioner of Insurance.

Consumer—a person that purchases or otherwise enters into a transaction or agreement to receive an innovative insurance product or service that is being tested by a participant.

Demonstration—to temporarily provide an offering in accordance with the provisions of Regulation 134.

Department—the Louisiana Department of Insurance.

Key Personnel—any employee or contractor of the applicant involved with the product or service which is subject to the innovation waiver.

Innovation—the use or incorporation of a new or existing idea, a new use or emerging technology, or a new use of existing technology to address a problem, provide a benefit, or otherwise offer a product, production method, service, business model, or delivery mechanism that is not known by the department to have a comparable widespread offering in the state.

Innovation Waiver—a document issued pursuant to the Regulatory Sandbox that allows a participant to temporarily test an innovative insurance product or service on a limited basis without being fully compliant with the insurance laws and regulations of this state.

Innovative Insurance Product or Service—an insurance product or service that includes an innovation.

Insurance Product or Service—an insurance product or insurance service that requires licensure, registration, or other authorization pursuant to the insurance laws and regulations of this state.

Offering—a product or service that includes an innovation.

Participant—a person or business entity that has been granted an innovation waiver.

Regulatory Sandbox—the Insurance Regulatory Sandbox Program created by R.S. 22:1430.1 et seq. which allows a person to temporarily demonstrate an offering under a waiver of one or more state laws or regulations.

Test—to provide an innovative insurance product or service in accordance with an innovation waiver.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20309. Grounds for Innovation Waiver

A. The commissioner may grant an innovation waiver with respect to requirements imposed by any insurance law, regulation, directive or bulletin to enable a person to obtain limited access to the insurance market in this state to test an innovative insurance product or service without obtaining a license or other authorization that might otherwise be required or without being fully compliant with any insurance law, regulation, directive or bulletin. To receive an innovation waiver, an applicant shall demonstrate to the commissioner's satisfaction that:

1. the application of the law, regulation, directive or bulletin would prohibit the introduction of an innovative or more efficient insurance product or service that the applicant intends to test during the period for which the proposed innovation waiver is granted;

2. the public policy goals of the law, regulation, directive or bulletin will be or have been achieved by other means;

3. the innovation waiver will not substantially or unreasonably increase risk to consumers or create unfair competition in the insurance market; and

4. the innovation waiver is in the public interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20311. Application Requirements

A. Applicants requesting an innovation waiver shall do so in writing to the commissioner through the Office of Policy, Innovation and Research and include the following:

1. the legal name and trade name, if any, of the natural or juridical person applying for the innovation waiver;

2. an agreement that the applicant will submit to the jurisdiction of this state;

3. an agreement that the applicant will establish a physical location in this state or a virtual facility adequately accessible to the commissioner to monitor testing and examine all required records, documents, and data.

4. the legal name, job title, and responsibilities of the directors and executive officers of the applicant, any persons who are beneficial owners of 10 percent or more of the voting securities of the applicant, and any persons with power to direct the management and policies of the applicant and key personnel;

5. the contact information for the applicant, directors, and executive officers of the applicant, any persons who are beneficial owners of 10 percent or more of the voting securities of the applicant, any persons with power to direct the management and policies of the applicant, and key personnel to include email address, phone number, physical and mailing address, website and social media;

6. disclosure of criminal convictions of the applicant and all key personnel;

7. a description of the business operations of the applicant;

8. a description of the product or service to be offered pursuant to the innovation waiver, including the current state of development of the innovative product or service, how the product or service functions, the manner and terms on which it will be offered, and the features that distinguish it from other products or services available in the state of Louisiana;

9. evidence that the applicant has the necessary personnel, financial resources, technical expertise, access to capital, and a developed plan to test, monitor, and evaluate the innovative insurance product or service;

10. a description of the potential benefits to consumers of the product or service;

11. a description of the potential risks to consumers posed by the product or service or the approval of the proposed waiver and how the applicant proposes to mitigate such risks;

12. an identification of the insurance statutory or regulatory provisions that prohibit the introduction, sale, or offering of the product or service;

13. a nonrefundable filing fee in the amount of two thousand dollars;

14. an explanation of how participating in the Regulatory Sandbox would enable a successful test of the innovative insurance product or service with narratives for proposed beginning operations, ongoing operations, the process regarding waiver termination, including plans to obtain necessary licensure or authorizations after termination of the innovation waiver;

15. an explanation of how the applicant will terminate the innovation waiver and protect consumers if the test fails;

16. a description of the security requirements, as required by the commissioner, to protect consumers and safeguard against the applicant's insolvency or other liabilities that may arise from participation in the Regulatory Sandbox that includes any one or more of the following:

a. a contractual liability insurance policy;

b. a surety bond issued by an authorized surety;

c. securities of the type eligible for deposit by authorized insurers in Louisiana;

d. an account payable to the commissioner in a federally insured financial institution where the deposited funds cannot be withdrawn except by the commissioner's order;

e. a letter of credit issued by a qualified financial institution as defined by R.S.22:512; or

f. another form of security that may be authorized by the commissioner; and

17. any additional information required by the commissioner.

B. The commissioner may not grant an innovation waiver to an applicant or any other person who has been convicted, entered a plea of *nolo contendere*, or entered a plea of guilty or *nolo contendere* held in abeyance, for a crime involving theft, fraud, or dishonesty that bears a substantial relationship to the applicant's or participant's ability to safely or competently administer an innovative insurance product or service.

C. The commissioner shall grant or deny a waiver within 90 days after the applicant's innovation waiver application is deemed complete.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20313. Conditions on Innovation Waiver

A. An insurance innovation waiver shall be issued by the commissioner in writing that limits the number of consumers in this state that may purchase or utilize the underlying insurance product or service to no more than 10 thousand consumers and specifies any terms, conditions, and limitations that the commissioner considers appropriate, including:

1. limits on the amount of premium that may be written in relation to the innovative product or service;

2. liability coverage requirements and minimum financial reserve requirements that the applicant must meet during the testing of the innovative insurance product or service; and

3. regular or additional reporting on any aspect of the innovative insurance product or service during the test, including financial results and consumer information.

B. Conditions issued under this section do not restrict a person who holds a license or authorization in another jurisdiction from acting in accordance with that license or authorization in that jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20315. Waiver Not to Restrict Commissioner's

Authority

A. The commissioner's authority to grant an innovation waiver pursuant to the Regulatory Sandbox does not limit or otherwise affect his authority to exercise discretion to waive or enforce any provision of Title 22 or applicable administrative regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20317. Duration and Requests for Extension

A. If approved by the commissioner, an innovation waiver shall be granted for an initial period of up to three years.

B. Prior to the end of the initial waiver period, the commissioner may grant or deny a one-time extension for up to an additional three years.

C. Extension requests shall be made in writing to the commissioner at least thirty days prior to the end of the initial waiver period and shall include the length of the extension period requested and specific reasons why the extension is necessary.

D. The commissioner shall grant or deny an extension request before the end of the initial waiver period.

E. Upon expiration of an innovation waiver, the person who obtained the waiver shall cease all activities that were only permitted as a result of the waiver and comply with all generally applicable laws and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20319. Expedited Application Process

A. An expedited application process shall be available to an applicant who demonstrates to the commissioner's satisfaction that the product or service proposed to be subject to an innovation waiver is substantially similar to one for which a waiver has previously been granted by the commissioner.

B. Upon receipt of an expedited application request, the commissioner shall determine within 15 days, excluding weekends and holidays, whether the product or service qualifies for an expedited application process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20321. Reporting and Monitoring

A. On a quarterly basis, the participant shall submit a report to the commissioner with respect to the product or service for which the innovation waiver has been granted containing the following information:

1. the total number of policies written for the product or service;
2. the total amount of premium collected;
3. the total number and dollar amount of claims made;
4. the total number and dollar amount of claims paid;
5. material changes in the business plan, underwriting or claims practices for the product or service; and
6. any other information the commissioner reasonably requires.

B. The commissioner may examine the affairs, transactions, accounts, records, and any other matters deemed necessary of the participant or its independent accountant, including workpapers and assets of the participant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20323. Record Keeping by Participants

A. The commissioner shall establish reporting requirements for each participant, including information about consumer complaints. A participant shall retain records, documents, and data produced in the course of business regarding an innovative insurance product or service subject to a waiver for a period of five years after the waiver has terminated.

B. A participant shall make its records, documents, and data available for inspection by the commissioner immediately upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20325. Disclosure to Consumers

A. A person offering a product or service pursuant to an innovation waiver shall clearly and conspicuously disclose to consumers all of the following:

1. the name and contact information of the person providing the product or service;

2. that the product or service is authorized pursuant to an innovation waiver for a temporary period of time and may be discontinued at the end of the waiver period, the date of which shall be specified;

3. contact information for the department, including how a consumer may file a complaint with the department regarding the product or service; and

4. any additional information required by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20327. Public Notice

A. At least 30 days prior to granting an innovation waiver, the commissioner shall provide public notice of the draft waiver on the department's website as outlined in R.S. 22:1430.2(I). In making a determination as to whether to grant or deny a waiver, the commissioner may give due consideration to any public comment about such application received via mail or electronic communication within 21 days of public notice being posted on the department's website.

B. If the commissioner determines that a product or service qualifies for an expedited application process, the commissioner shall provide public notice of the draft waiver on the department's website as outlined in R.S. 22:1430.2(I) within five days, excluding weekends and holidays.

C. If an innovation waiver is granted, the commissioner shall provide public notice of its existence by publishing on the department's website all information required by R.S. 22:1430.2(J).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20329. Termination of Waivers

A. If a participant tests an innovative insurance product or service requiring ongoing duties after the termination date of a waiver, the participant shall continue to fulfill those duties or arrange for another person to fulfill those duties after the date the waiver terminates. At the termination of the testing period provided by a waiver, the participant shall immediately stop offering all innovative insurance products or services being tested. The participant shall submit a final report showing test results within sixty days of waiver termination.

B. If an innovative insurance product or service fails before the termination of a testing period as provided in an innovation waiver, the participant shall immediately notify the commissioner and report on actions taken by the participant to ensure consumers have not been harmed as a result of the failure.

C. The commissioner may terminate an innovation waiver for cause and with reasonable notice to the participant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20331. Denial, Revocation and Penalties

A. The commissioner may deny or revoke an innovation waiver if the participant fails to comply with Regulation 134, or if the innovation waiver causes harm to consumers as determined by the commissioner.

B. In addition to any other penalties permitted by law, the commissioner may impose a fine of not more than one thousand dollars for failure to comply with any terms, conditions, or limitations established by the Insurance Regulatory Sandbox Act and Regulation 134.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20333. Confidentiality of Waiver Application and Materials

A. Documents, materials, or other information in the possession of the department that are obtained by or disclosed to the commissioner or any other person in the course of an insurance innovation waiver shall be confidential by law and privileged, shall not be subject to release pursuant to the Public Records Law, R.S. 44:1 et seq., shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

B. The commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties. The commissioner shall not otherwise make the documents, materials, or other information public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20335. Severability

A. The provisions of this Subpart are severable. If any provision or item of this Subpart, or application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Subpart which are to be given effect without the invalid provision, item, or application of the Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20337. Effective Date

A. This regulation shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1430.1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed regulation should have no impact upon the rights and authority of

children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., May 12, 2025.

Timothy J. Temple
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 134—Insurance Regulatory Sandbox Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule sets forth the standards and procedures relative to a person's participation in the Insurance Regulatory Sandbox Program. The Insurance Regulatory Sandbox Act was enacted through the passage of Act 229 of the 2024 Regular Session of the Louisiana Legislature. This Act allows the Insurance Commissioner to grant temporary waivers from certain insurance laws and regulations to facilitate the introduction of innovative insurance products and services. LDI reports any workload associated with the proposed rule will be handled with existing staff and resources.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The LDI will collect a two-thousand-dollar nonrefundable filing fee from any applicant requesting an innovation waiver. The number of applicants that will apply annually is unknown.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule sets forth the standards and procedures relative to a person's participation in the Insurance Regulatory Sandbox Program and shall apply to all persons that apply to participate in the Regulatory Sandbox in Louisiana. Any applicants requesting an innovation waiver shall pay a nonrefundable filing fee in the amount of two thousand dollars.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule sets forth the standards and procedures for those persons that may participate in the Insurance Regulatory Sandbox Program with innovative insurance products and services.

Chris Cerniauskas
Chief of Staff
2504#015

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Rule 13—Special Assessment; Creation of Dedicated Fund Account (LAC 37:XI.Chapter 23)

In accordance with the Administrative Procedure Act, and through the authority granted under R.S. 22:1 and 22:11 et seq., the Department of Insurance has amended Rule 13. Rule 13 was originally promulgated in 2000, in accordance with the authority provided through R.S. 40:1428 and 1429. Since Rule 13 was originally published, R.S. 40:1428 and 1429 have been amended by Act 369 of the 2001 Regular Session, Act 147 of the 2018 Regular Session, and now by Act 340 of the 2024 Regular Legislative Session, which amends R.S. 40:1428 and repeals R.S. 40:1429. These amendments reflect the changes in the law as stated by current law under R.S. 40:1428. This Rule is hereby adopted on the day of promulgation.

Title 37 INSURANCE

Part XI. Rules

Chapter 23. Rule 13—Special Assessment; Creation of Dedicated Fund Account

Editor's Note: Refer to Act No. 369 of the 2001 Regular Legislative Session, Act 293 of the 2003 Regular Legislative Session; Act 1013 of the 2010 Regular Legislative Session; and Act 193 of the 2016 Regular Legislative Session.

§2301. Purposes

A. The purpose of this rule is to implement the provisions of R.S. 40:1428 by assessing a fee on insurers to pay the cost of investigation, enforcement, public education and public awareness, and prosecution of insurance fraud in this state as more fully described in R.S. 40:1421-1428 and this rule. This Rule shall be effective upon final publication in the *Louisiana Register*.

B. The fees collected shall be used solely for the purposes of Subpart B of Part III of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1421 through 1428, entitled "Insurance Fraud Investigation Unit".

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:

§2303. Fee Assessment

A. - C. ...

D. Prior to making the allocations specified in §2307 of this Rule, the Commissioner of Insurance is authorized to withhold the sum of \$30,000 per year from the fees collected to defray the expense of collection of the fees, enforcement

of this Subpart, and operation of the Department of Insurance and shall withhold \$187,000 to fund insurance fraud detection, investigation, and public awareness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:

§2305. Limitations of the Fee Assessment

A. The fee shall not be assessed on premiums received on life insurance policies, annuities, credit insurance, crop and livestock insurance, federal flood insurance policies, reinsurance contracts, reinsurance agreements, or reinsurance claims transactions. The fee shall not be assessed on 50 percent of the premiums received on health and accident insurance policies.

B. If the fee assessed for the previous year exceeds by five percent of the cumulative costs of the previous year of operating the insurance fraud programs to which the funds are allocated, the fee assessment for the next year shall be reduced by the amount of the excess in proportion to the assessment, however, any entity listed in §2307(A) of this Rule that expands its allocation shall receive at least the same allocation for the next year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:

§2307. Allocation of the Fee Assessment

A. Except as otherwise provided in §2303(D) of this rule, fees collected shall be allocated to the insurance fraud investigation unit within the office of state police, the insurance fraud support unit within the Department of Justice, the section of insurance fraud within the Department of Insurance, and other state agencies in accordance with a written agreement entered into by the superintendent of state police, the attorney general, and the commissioner of insurance.

B. Except as otherwise provided in §2303(D) of this rule, if a written agreement is not entered into pursuant to §2307(A) no later than September thirtieth, the fees collected in the next fiscal year shall be allocated as follows:

1. Seventy-five percent of the fees collected shall be allocated to the Insurance Fraud Investigation Unit within the Office of State Police

2. Fifteen percent of the fees collected shall be allocated to the Department of Justice to be used solely for the Insurance Fraud Support Unit.

3. Ten percent of the fees collected shall be allocated to the Department of Insurance to be used solely for the Section of Insurance Fraud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:

§2309. Payment of the Fee Assessment

A. The fee established in R.S. 40:1428 and in this rule shall be paid to the Commissioner of Insurance as required by R.S. 40:1428.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, an amount equal to that deposited as required by R.S. 40:1428 shall be credited to the Insurance Fraud Investigation Fund in the state treasury. The monies shall be irrevocably dedicated and deposited in the Insurance Fraud Investigation Fund and shall be used solely as provided in R.S. 40:1428(A) and only in the amounts appropriated by the legislature. Monies in the fund shall be appropriated, administered, and used solely and exclusively for the purposes of the fraud unit, fraud support unit, insurance fraud section, and as further provided in R.S. 40:1428. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall be refunded to each insurer licensed by the Department of Insurance to conduct business in this state assessed a fee pursuant to R.S. 40:1428 on a pro-rata basis based on each insurer's proportionate share of the total fees collected pursuant to this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:

§2311. Fines

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:323 (February 2000), amended LR 45:64 (January 2019), LR 51:

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended Rule should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. The proposed amended Rule should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended Rule should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended Rule should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended Rule should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended Rule should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the Rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended Rule should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended Rule should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended Rule should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended Rule should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended Rule should have no effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed amended rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed amended rule is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed amended rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended Rule should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended Rule should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended Rule should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended Rule should have no measurable impact on small businesses; therefore, there is no less intrusive or less costly alternative method of achieving the purpose of the proposed rule.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended Rule will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended Rule will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended Rule will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jacob Carter, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., May 12, 2025.

Timothy J. Temple
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Rule 13—Special Assessment; Creation of Dedicated Fund Account

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in implementation costs or savings to the state or local governmental units. The proposed rule change is being implemented to carry out the provisions of Act 340 of the 2024 Regular Legislative Session, which amends R.S. 40:1428 and repeals R.S. 40:1429. The proposed rule removes funding for the LA Automobile theft and Insurance Fraud Prevention Authority (LATIFPA) and provides funds to be used for insurance fraud detection investigations and public awareness. There is no fiscal impact associated with this proposed rule because funding is being re-directed from one purpose to another.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no impact on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will have no effect on directly affected persons, small businesses, or non-governmental groups. The proposed rule continues the fraud initiatives but makes technical changes, including the effective date, removes LATIFPA funding, and states that the purpose of the assessment is to support the investigation, public education, public awareness, and prosecution of insurance fraud. Also, the proposed rule requires funds to be allocated to the Insurance Fraud Investigation Unit within the LA State Police, the Insurance Fraud Support Unit within the Department of Justice, and the Insurance Fraud Section of the Department of Insurance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no impact upon competition and employment in the state.

Chris Cerniauskas
Chief of Staff
2504#026

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Tax Policy and Planning Division

Installment Agreement for Payment of Tax (LAC 61:I.4919)

Under the authority of R.S. 47:105(B), 47:1511 and 47:1576.2(B), and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, gives notice that rulemaking procedures have been initiated to propose to amend LAC 61:I.4919.

Louisiana Revised Statutes 47:105 and 47:1576.2 authorizes the payment of taxes in installments and gives the secretary authority to promulgate rules to administer the installment program. The purpose of this regulation is to allow payment of the installment agreement and reinstatement fee to be paid in installments.

This proposed Rule is written in plain language in an effort to increase transparency.

Title 61

REVENUE AND TAXATION

Part I. Administrative and Miscellaneous Provisions

Chapter 49. Tax Collection

§4919. Installation Agreement for Payment of Tax

A. ...

B. Installment Agreement. If a taxpayer qualifies for an installment agreement, the secretary may allow the taxpayer to pay taxes, interest, penalties, fees and costs due in installments subject, but not limited, to the following requirements or conditions.

1. The taxpayer shall pay a nonrefundable installment agreement fee in the amount of \$105, payable to the Department of Revenue, to establish an installment agreement for the payment of the tax debt. Payment of the fee is mandatory. The installment agreement fee cannot be waived or applied against any tax debt. However, the secretary shall not charge the fee to enter into an installment payment agreement plan with any taxpayer whose adjusted gross income is less than or equal to \$25,000.

B.2. - D.3. ...

E. Default; Reinstatement of Installment Agreement

1. If any installment payment is not paid on or before the dated fixed for its payment, the total outstanding balance shall be due and payable immediately upon notice and demand from secretary. All collection actions shall be reactivated.

2. Upon request of the taxpayer and the approval of the secretary, the installment agreement may be reinstated, provided the taxpayer pays the mandatory reinstatement fee in the amount of \$60, payable to the Department of Revenue. The reinstatement fee cannot be waived or applied against any tax debt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:105 and R.S. 47:1576.2.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 42:281 (February 2016), amended LR 47:892 (July 2021), amended by the Department of Revenue, Tax Policy and Planning Division, LR 50:1293 (September 2024), amended LR 51:

Family Impact Statement

The proposed Rule will not have a measurable impact on family as defined by R.S. 49:972(D) or on family formation, stability and autonomy, as the regulation only changes the limitations of the regulation to allow payment of the installment program fee to be included with payment of the installment amount due under the agreement. The Rule should have no other known or foreseeable impact on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule has no known or foreseeable measurable impact on small businesses as described in R.S. 49:974.4.

Provider Impact Statement

The Rule has no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service.
2. the total direct and indirect effect on the cost to the provider to provide the same level of service.
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, or comments regarding this proposed Rule to Johnette L. Martin, Attorney, Tax Policy and Planning Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., June 2, 2025.

Public Hearing

A public hearing will be held on June 4, 2025 at 2 p.m. in the LaBelle Room located on the 1st floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana. Should an individual with a disability wish to participate in the public hearing and is in need of assistance to do so, please notify Johnette L. Martin seven days in advance of the public hearing for accommodations to be arranged, at the address given above in the Public Comments section, by email at LDRadarequests@la.gov, or by phone at (225) 219-2784.

Richard Nelson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Installment Agreement for Payment of Tax

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in material additional costs or cost savings to the Louisiana Department of

Revenue (LDR). Local governments will not be affected by this proposal.

This proposal amends the rule to allow the installment agreement fee and reinstatement fee for informal installment agreements to be paid in installments. However, the secretary shall not charge a fee to enter into an installment payment agreement plan with any taxpayer whose adjusted gross income is less than or equal to \$25,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is anticipated to have an indeterminable decrease on self-generated revenue collections in LDR beginning in FY 26. Self-generated revenue associated with installment agreement fees and reinstatement fees are anticipated to decrease in the short term as taxpayers will be able to spread the payment of the fees over monthly installments payments under the proposed rule, instead of paying the fee up front to initiate or reinstate an informal installment plan. However, LDR will collect the same amount of revenue per installment plan over the length of the payment agreement, since no interest will be charged on the fee.

Local governmental units are not affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Affected taxpayers are anticipated to benefit by receiving additional time to pay the installment fee or reinstatement fee. Taxpayers who face liquidity constraints may now qualify to spread the fees over monthly payments during the course of installment agreements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment.

Richard Nelson
Secretary
2504#020

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury Board of Trustees of the Louisiana State Employees' Retirement System

Open Meetings via Electronic Means (LAC 58:III.2301)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 11:826 and 49:953(C) that the Board of Trustees of the Teachers' Retirement System of Louisiana (TRSL) has approved for advertisement the adoption of LAC 58:III.2301, in order to ensure compliance with Act 393 of the 2023 Regular Session requiring state agencies to promulgate rules relative to the participation in open meetings via teleconference of persons entitled to request such accommodation under the law.

Title 58

RETIREMENT

Part III. Teachers' Retirement System of Louisiana Chapter 23. Open Meetings via Electronic Means §2301. Disability Accommodations

A. The Teachers' Retirement System of Louisiana (TRSL), on behalf of the Board of Trustees of the Teachers' Retirement System of Louisiana (the Board), will provide an

electronic means of participation in open meetings for people with disabilities on an individualized basis.

B. People with disabilities are defined as any of the following:

1. A member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. A designated caregiver of such a person; or
3. A member of the board with a disability recognized by the ADA.

C. All members of the board who qualify as people with disabilities as defined in this Section shall be counted for the purpose of establishing a quorum and voting when participating via electronic means.

D. TRSL, on behalf of the board, shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

E. Upon receipt of an accommodation request, the designated agency representative is only permitted to ask if the requestor has a disability recognized by the ADA or is a caregiver of such a person (yes or no). The requestor shall not be required to complete a medical inquiry form or disclose the actual impairment or medical condition to support a disability accommodation request.

F. The designated agency representative shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 51:

Family Impact Statement

The proposed adoption of LAC 58:III.2301 relative to the participation in open meetings via teleconference of persons entitled to request such accommodation under the law, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; or
6. the ability of the family or a local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

The proposed adoption of LAC 58:III.2301 relative to the participation in open meetings via teleconference of persons entitled to request such accommodation under the law, should not have any known or foreseeable impact on any child, individual or family poverty as defined in R.S. 49:973(D). Specifically, there should be no known or foreseeable effect on:

1. household income, assets, and financial security;

2. early childhood development and preschool through postsecondary education development;
3. employment and workforce development;
4. taxes and tax credits; and
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. The proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Per HCR 170, "provider" means an organization that provides services for individuals with developmental disabilities. In particular, it is anticipated that these proposed rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments on the proposed Rule until 12 p.m. May 10, 2025, to Geoffrey Rodriguez, Deputy General Counsel, Board of Trustees for the Teachers' Retirement System of Louisiana, P.O. Box 94123, Baton Rouge, LA 70804-9123.

Katherine Whitney
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Open Meetings via Electronic Means

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not anticipated that state or local governmental units will incur any costs or savings as a result of this proposed rule. The Teacher's Retirement System of Louisiana (TRSL) is already in possession of the equipment necessary to provide teleconference or video conference participation in its meetings; therefore, there are no implementation costs.

TRSL proposes to adopt Chapter 23 (Open Meetings Via Electronic Means) of Part III, Title 58 (Retirement) of the Louisiana Administrative Code. Specifically, the proposed rule establishes the framework for disability accommodations by:

- Allowing members of the public and participating members of the agency with an ADA-qualifying disability to request accommodations.
- Including contact information for the agency representative who is responsible for disability accommodations in the public notice for meetings.
- Providing a timeline to meet the requested disability accommodations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Katherine Whitney
Director
2504#017

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: JAN-MAR 2025

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:	
			Month	Page #				Month	Page #
4	III.101,103,106,112,114,122,137	Amended	Feb.	295		CXXXIX.2103	Amended	Feb.	270
	III.119	Repealed	Feb.	295		CXXXIX.2713	Amended	Feb.	262
7	XV.126	Amended	Jan.	26		CXXXIX.101,311,503,515,1101,1103,1105	Amended	Jan.	37
	XXIX.102,107,109,113,115,117,119	Amended	Jan.	26		CXXXIX.1301,1303,1501,1505,1507,1509	Amended	Jan.	37
	XXXV.513,515,517,519,521,523	Adopted	Jan.	29		CXXXIX.1701,2107,2501,2705,2707,2709	Amended	Jan.	37
	XXXIX.505,509,523,527,531,533,535,539	Amended	Jan.	30		CXXXIX.2105,2907	Adopted	Jan.	37
	XXXIX.545	Amended	Jan.	30		CXXXIX.2713,2905,3903,4003,4005,4301	Amended	Jan.	37
	XXXIX.1500,1507,1509	Adopted	Jan.	32		CXXXIX.2903,4307	Repealed	Jan.	37
13	XLV.107	Adopted	Jan.	30		CXXXIX.4303,4305,4313,4315,4321	Amended	Jan.	37
	I.529,537,539,541,543,545,547,549,551	Amended	Mar.	366		CXLVI.101,301,303,305,307,309,311,313	Adopted	Feb.	271
	I.553,555,557,559,561,563,565,567,569	Amended	Mar.	366		CXLVI.315,317,319,321,323,325,327,329	Adopted	Feb.	271
	VII.101,103,105,107	Adopted	Jan.	33		CXLVI.331,333,335,337,339,501,503,505	Adopted	Feb.	271
22	I.405	Amended	Feb.	301		CXLVI.507,509,511,513	Adopted	Feb.	271
	V.201,203,204,205,209,211	Amended	Feb.	292		CXLVII.313	Amended	Jan.	44
25	IX.101,303,305,307,308,309,313,321,331	Amend	Mar.	360		CXLVII.331	Adopted	Jan.	44
	IX.500,501,502,503,504,505,506,507	Amend	Mar.	360		CLI.101	Repealed	Feb.	265
28	I.501	Amended	Feb.	292		CLI.103,105,303,501,503,505,507,701,703	Amended	Feb.	265
	I.503,505	Amended	Jan.	34		CLI.901,1101,1301	Amended	Feb.	265
	I.507	Adopted	Jan.	34		CLIII.1506	Amended	Feb.	268
	IV.301,704,804,1203	Amended	Jan.	63		CLVII.303,305,309,313,503	Amended	Jan.	45
	IV.1301,1303,1305,1307	Repealed	Jan.	63		CLVII.701,703,705	Adopted	Jan.	45
	IV.2203,2205,2209,2213	Amended	Jan.	66		CLXVII.1101	Amended	Jan.	34
	IV.2215	Adopted	Jan.	66		III.301,303	Amended	Mar.	405
	VI.315	Amended	Jan.	67		IX.4901,4903	Amended	Mar.	379
	XI.103	Amended	Jan.	34		III.501,502,507,535	Amended	Jan.	69
	XI.705	Amended	Feb.	264		III.919	Amended	Jan.	68
	XI.907,909	Amended	Jan.	54		XV.101,103,105,301,303,305,307,501,503	Adopted	Feb.	252
	XXXV.110	Amended	Feb.	269		XV.505,507,509,511,701,901,903,905,1101	Adopted	Feb.	252
	XXXIX.700,701,705	Amended	Jan.	52		XV.1103	Adopted	Feb.	252
	XLI.1503	Adopted	Jan.	54		XIII.16101	Amended	Jan.	73
	XLIII.151,322,504,507,511,520,1507,1511	Amended	Jan.	59		XIII.20101,20103,20105,20107,20109	Adopted	Jan.	74
	XLV.103,105	Adopted	Feb.	271		I.2328	Amended	Jan.	85
	XLV.303,741,743,745,749	Amended	Feb.	271		III.2905	Amended	Feb.	303
	XLV.1301	Repealed	Feb.	271		XV.1301,1303,1305,1307	Adopted	Mar.	404
	LIX.309	Amended	Jan.	54		XVII.3601,3603,3605,3607,3609,3611	Amend	Mar.	375
	LXI.305	Amended	Jan.	59		XVII.3615,3617,3621,3623,3625,3629	Amend	Mar.	375
	LXV.109	Amended	Jan.	34		XVII.3801,3803,3805,3807,3811	Amend	Mar.	374
	LXXV.101,103,105,107,109,111,113,115	Repealed	Feb.	259		XLV.3303,3339,3343,6305,6311	Amend	Mar.	398
	LXXV.117,119,121,123,125	Repealed	Feb.	259		LV.101,301,1001	Repromulgated	Mar.	407
	LXXIX.119,121,903,1101,1303,1309,1311	Amended	Jan.	50		LX.611,707,3315,3503	Repromulgated	Mar.	403
	LXXIX.1501	Amended	Jan.	50		LXXXV.700,701,702,704,705,707,712	Amended	Feb.	249
	XCI.101,103,107,109,111,309,315	Amended	Jan.	59		I.4531,6713,6717,6719,6737,6761	Amended	Jan.	71
	CIV.101,103,301,303,501,503,701,703,705	Adopted	Feb.	259		I.4603	Amended	Jan.	72
	CIV.707,709,901,903,905,907,1101,1103	Adopted	Feb.	259		I.9701,9759, 9923	Amended	Mar.	402
	CIV.1105	Adopted	Feb.	259		I.9768	Adopted	Mar.	402
	CXV.303,331,332	Amended	Jan.	59		I.10083,10089,10090,10091,12501,12545	Amend	Mar.	400
	CXV.303	Amended	Feb.	270		V.1201,1225	Adopted	Feb.	299
	CXV.333,337,1107,1135,1143	Amended	Jan.	48		V.7901,7903	Adopted	Feb.	300
	CXV.353	Adopted	Jan.	54		IX.15113	Amended	Jan.	70
	CXV.339,519,1117,1127,1141,1301,1302	Amended	Jan.	54		XXI.707,711	Amend	Mar.	399
	CXV.1129,1304	Repealed	Jan.	54		XXI.8105,8501,8601,9301,9501,9503	Amended	Feb.	297
	CXV.1155	Adopted	Jan.	48		I.127	Adopted	Feb.	301
	CXV.1303,1307,1309,2303,2305	Amended	Jan.	54		IX.135	Amended	Feb.	301
	CXV.1315,2302,2318,2319,2324	Amended	Jan.	48		XXVIII.107	Amended	Jan.	73
	CXV.1319	Amended	Jan.	34		I.1603	Amended	Feb.	252
	CXXXI.101,301,303,507,531,537,543,1315	Amended	Feb.	271		I.1615,1617,1619	Adopted	Feb.	251
	CXXXI.305,307,309,311,313,315,317,319	Repealed	Feb.	271		V.2101,2103	Repromulgated	Jan.	70
	CXXXI.321,323,325,327,329,331,333,335	Repealed	Feb.	271		V.703,705,901,903,907,1007,1103,1301	Amend	Mar.	380
	CXXXI.337,339,341,343,345,347	Repealed	Feb.	271		V.1303,1307,1503,2501,2503,3103	Amend	Mar.	380
	CXXXI.1373,1375	Adopted	Feb.	271		VII.357	Amended	Jan.	84
	CXXXVII.101,301,303,305,307,309,311	Repealed	Feb.	271		XV.101	Amended	Jan.	75
	CXXXVII.313,501	Repealed	Feb.	270					

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences

2025 Annual Quarantine List

The Louisiana Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, hereby publishes the 2025 Annual Quarantine List in accordance with LAC 7:XV.107 and 109.

1.0 Sweetpotato Weevil (*Cylas formicarius elegantulus* Sum)

(a) In the United States: the states of Alabama, California, Florida, Georgia, North Carolina, South Carolina, Texas and any other state found to have the sweetpotato weevil.

(b) In the State of Louisiana:

1) The entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, DeSoto, East Baton Rouge, East Feliciana, Evangeline, Grant, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Natchitoches, Orleans, Plaquemines, Pointe Coupee, Rapides, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Feliciana.

(c) In the State of Mississippi:

1) The entire counties of: Adams, Amite, Claiborne, Clarke, Copiah, Forrest, George, Hancock, Harrison, Hinds, Jackson, Jefferson, Jones, Lamar, Lauderdale, Lawrence, Marion, Pearl River, Perry, Pike, Simpson, Stone, Walthall, Wayne and Wilkinson.

2.0 Pink Bollworm (*Pectinophora gossypiella* Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

Arizona

(1) Generally infested area: the entire state.

California

(1) Generally infested area: The entire counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, and San Diego.

(2) Suppressive area: The entire counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, and Tulare.

New Mexico

(1) Generally infested area: The entire state.

Texas

Generally infested area: The entire state.

3.0 Phytophagous Snails

The states of Arizona and California.

4.0 Sugarcane Pests and Diseases

All states outside of Louisiana.

5.0 Lethal Yellowing

The state of Florida.

Louisiana

Infested parishes: East Baton Rouge and Jefferson.

6.0 Lethal Bronzing (formerly Texas Phoenix Decline)

The states of Texas and Florida.

Louisiana

Infested parishes: East Baton Rouge, Iberia, Jefferson, Orleans and West Baton Rouge.

7.0 Tristeza, Xyloporosis, Psorosis, Exocortis.

All citrus growing areas of the United States.

8.0 Burrowing Nematode (*Radopholus similis*)

The States of Florida and Hawaii and the Commonwealth of Puerto Rico.

9.0 Oak Wilt (*Ceratocystis fagacearum*)

Arkansas

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell.

Illinois

Entire state.

Indiana

Entire state.

Iowa

Entire state.

Kansas

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte.

Kentucky

Infected counties: Adair, Allen, Ballard, Bath, Bell, Boyd, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carter, Casey, Christian, Clay, Clinton, Cumberland, Daviess, Edmonson, Elliott, Estill, Fleming, Floyd, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harlan, Hart, Henderson, Hopkins, Jefferson, Johnson, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Logan, McCracken, McLean, Magoffin, Marshall, Martin, Menifee, Metcalfe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owsley, Perry, Pike, Powell, Pulaski, Rowan, Russell, Taylor, Todd, Trigg, Union, Warren, Wayne, and Webster.

Maryland

Infected Counties: Allegany, Frederick, Garrett, and Washington.

Michigan

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wyne, and Menominee.

Minnesota

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod,

Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright.

Missouri

Entire state.

Nebraska

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy.

North Carolina

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain.

Ohio

Entire state.

Oklahoma

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner.

Pennsylvania

Infected counties: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland.

South Carolina

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland.

Tennessee

Infected Counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White.

Texas

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson.

Virginia

Infected counties: Aleghany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe.

West Virginia

Infected counties: all counties except Tucker and Webster.

Wisconsin

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

10.0 Phony Peach

Alabama

Entire state.

Arkansas

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller,

Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

Florida

Entire state.

Georgia

Entire state.

Kentucky

County of McCracken.

Louisiana

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union.

Mississippi

Entire state.

Missouri

County of Dunklin.

North Carolina

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford.

South Carolina

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York.

Tennessee

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley.

Texas

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur.

11.0 Citrus Canker (*Xanthomonas citri* subsp. *citri*)

Louisiana

Infested parishes: Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John and a portion of St. Martin.

Any areas designated as quarantined under the Federal Citrus Canker quarantine 7 CFR 301.75 et seq.

12.0 Citrus Greening [*Candidatus Liberibacter asiaticus*]

Louisiana

Infested parishes: Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles and Washington.

Any other areas or states designated as infested under the Federal Citrus Greening and Asian Citrus Psyllid quarantine 7 CFR 301.76 et seq.

13.0 Asian Citrus Psyllid [*Diaphorina citri* Kuwayama]

Louisiana

Infested parishes: Jefferson, Orleans, Lafourche, Plaquemines, St. Bernard, St. Charles, St. James, St. Tammany, Tangipahoa and Terrebonne.

Any other areas or states designated as infested under the Federal Citrus Greening and Asian Citrus Psyllid quarantine 7 CFR 301.76 et seq.

14.0 Emerald Ash Borer [*Agrilus planipennis*]

Louisiana

Infested parishes: Bienville, Bossier, Caddo, Claiborne, Jackson, Lincoln, Morehouse, Ouachita, Union and Webster.

15.0 Roseau Cane Scale (*Nipponaclerda biwakoensis*)

Louisiana

Infested parishes: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Vernon, Washington, and West Feliciana.

16.0 Guava root knot nematode (*Meloidogyne enterolobii*)

The entire states of Florida, North Carolina, and South Carolina.

Mike Strain DVM
Commissioner

2504#025

POTPOURRI

Department of Energy and Natural Resources Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
BPR Energy, Inc.	Bayou Plaquemine	L	C RA SUA Wilberts	001	140854 (30) debris
Carrollton Resources Corp	Bivens	L	Tenneco FEE	001	195420
Equitable Resources Corp.	Little Lake	L	SL 2383	005	178612 (29) cribbing
Harter Oil Company	Tullos Urania	M	Urania LBR Co	B-7	9749
John T Cash	Logansport	S	Ramsey	006	163650
T A Sanders Jr & Jerry Sanders	Monroe	M	Cox & Sanders	001	86404

Steven M. Giambrone
Interim Commissioner

2504#013

POTPOURRI

Department of Health Board of Social Work Examiners

Public Hearing—Substantive Changes to Proposed Rule;
Credentials of Social Work Examiners
(LAC 46:XXV.Chapters 1, 3, 5, 7, 9, 10, 11, and 13)

The board published a Notice of Intent to promulgate LAC 46:XXV, Chapters 1, 3, 5, 7, 9, 10, 11, and 13 in the January 20, 2025 edition of the *Louisiana Register* (Vol. 51, No. 1). The Notice solicited comments and testimony. As a result of its analysis of the comments and testimony received, the board proposes to amend certain portions of the proposed Rule.

The board proposes to amend Chapter 1, §125 by deleting the first sentence of Paragraph C which read: “The relationship of a social work educator to their students is comparable to that of a social worker to their client. Social workers who function as educators should not engage in dual relationships with students in which there is a risk of exploitation or potential harm to the student, including dual relationships that may arise while using social networking sites or other electronic media.”

The board proposes to amend the definition of *Social Work Educator* in Chapter 3, §301.A to add individuals volunteering professional services at an educational institution’s Social Work program.

The board proposes to amend Chapter 5, §509 to remove telepractice.

The board proposes to amend Chapter 13, §1305.A.3 and 11 and §1313 to replace distance learning with asynchronous virtual learning.

The proposed amendments will closely align the proposed Rule with comments received regarding the proposed Rule on the same topic as published in the January 20, 2025 edition of the *Louisiana Register*.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXV. Credential of Social Work Examiners

Chapter 1

§125. Social Work Educators

A - B. ...

C. Social workers who function as educators should not engage in dual relationships with students in which there is a risk of exploitation or potential harm to the student, including dual relationships that may arise while using social networking sites and other electronic media. Social work educators are responsible for establishing and maintaining clear, appropriate, and culturally sensitive boundaries.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:

Chapter 3. General Provisions

§301. Definitions

A. For purposes of this Part, the following terms shall have the following meanings:

* * *

Social Work Educator—an individual employed by or under contract or volunteering professional services with an educational institution's Social Work program for the purpose of educating social work students and who holds a registration, certification, or license in the field of social work.

* * *

B. ...

§509. Telesupervision

A. - C. ...

D. Licensed social workers who engage in telesupervision shall:

1. Complete 1.5 hours of continuing education in telesupervision. This is a one-time requirement. Documentation of completion shall be provided to the board.

2. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:

Chapter 13. Continuing Education Requirements

§1305. Criteria for Approval of Continuing Education Offerings

[Formerly §317(M) and (P)]

A. The following learning forums are approved for continuing education as long as they contain content applicable to social work practice:

1. - 2. ...

3. asynchronous virtual learning (teleconferences, telecourses, home-study courses and pre-recorded or internet courses) sponsored by entities listed in this section, or pre-approved by a Board-authorized pre-approval organization cannot exceed a total of 10 clock hours of the required 20 clock hours of continuing education required annually for renewal of social work credentials;

4. - 10. ...

11. reading books or journal articles with content applicable to social work and followed by a face-to-face discussion as part of an organized workshop. A maximum of one hour credit can be obtained from reading a book if the licensee signs a statement that they read the book, attended the discussion about the book, and passed the pre-test administered prior to the face-to-face discussion with at least 70 percent. The one-hour credit for reading is considered asynchronous virtual learning. Credit for the discussion counts as actual time spent in the discussion and counts as in-person continuing education.

A.12. - D. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C and (G) and 37:2714.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:305 as §317(M)(P)(O) (February 2000), amended and redesignated to §1305(A)(B)(C) and (D) by the Department of Health, Board of Social Work Examiners LR 51:

§1313. Asynchronous Virtual Learning Limit; Approval to Exceed

A. Social workers may not submit more than ten hours of continuing education via asynchronous virtual learning or teaching in any collection period except as provided in this Section. Synchronous, interactive webinars are considered in-person learning and are not contemplated by this Section.

B. The board may grant a social worker approval to complete more than 10 hours of continuing education via asynchronous virtual learning in the case of debilitating, disabling, or other medical conditions making travel impossible or extremely inconvenient, if the social worker resides outside of United States territories where no in-person continuing education is available, or for other good cause shown. The social worker shall provide satisfactory documentation for the grant of approval.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Certified Social Work Examiners, LR 51:

Public Comments

Interested persons may send comments to Emily DeAngelo, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 or by email to edeangelo@labswe.org. The deadline to submit comments is 4 p.m. CST on May 16, 2025.

Public Hearing

Pursuant to R.S. 49:966(H)(2), a public hearing on the substantive amendments to the proposed Rule will be held on, May 21, 2025, at 2 p.m. CST at the office of the Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, LA 70809. A link will be provided on the Board's website <https://www.labswe.org> 24 hours prior to the public hearing. All interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at the hearing. Individuals with disabilities who require special services should contact Emily DeAngelo at (225) 756-3470 at least 72 hours prior to the hearing.

Emily DeAngelo
Administrator

2504#040

POTPOURRI

Department of Justice

Occupational Licensing Review Program
Accepting Participants for FY 2025-2026
Period of July 1, 2025-June 30, 2026

The Department of Justice is currently accepting occupational licensing boards into the Department of Justice Occupational Licensing Review Program (OLRP) established by R.S. 49:260. This program provides for active state supervision and was established to ensure that

participating boards and board members will avoid liability under federal antitrust laws. Participants for the July 1, 2025-June 30, 2026 period will be accepted into the program through May 31, 2025. For information about participating in the program, contact Jessica Weimer, Section Chief,

OLRP—Public Protection Division, Louisiana Department of Justice at olrp@ag.louisiana.gov.

Jessica Weimer
Section Chief

2504#010

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